



भारत का राजपत्र

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नई दिल्ली, शनिवार, मार्च 17, 1990/फाल्गुन 26, 1911

No. 11]

NEW DELHI, SATURDAY, MARCH 17, 1990/PHALGUNA 26, 1911

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-Section (ii)

(रक्षा मंत्रालय को छोड़ कर) भारत सरकार के मंत्रालयों द्वारा जारी किए गए सांविधिक आदेश और अधिसंचाराएँ
Statutory Orders and Notifications issued by the Ministries of the Government of India (other than
the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 28 जनवरी, 1990

आयकर

का.आ. 621.—आयकर अधिनियम, 1961 (1961
का 43) की धारा 194क की उपधारा (3) के खण्ड (iii)
के उपखण्ड (च) द्वारा प्रदत्त शक्तियों का प्रयोग करते
हुए केन्द्रीय सरकार एतद्वाग वैस्ट बंगाल इलैक्ट्रोनिक्स
इण्डस्ट्री डिवेलपमेंट कारपोरेशन नि., कलकत्ता को उक्त
उपखण्ड के प्रयोगनार्थ विनिर्दिष्ट करती है।

[म. 8569(फा.म. 275/99/89-आ. कर (ब)]
वी.ई.एनैक्जेंडर, अवर मंत्रिव

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 28th January, 1990

INCOME-TAX

S.O. 621.—In pursuance of sub-clause (i) of clause (iii)
of sub-section (3) of section 194A of the Income Tax Act,
1961 (43 of 1961), the Central Government hereby notifies
the West Bengal Electronics Industry Development Corpora-
tion Limited, Calcutta, for the purpose of the said sub-
clause.

[No. 8569/F. No. 275/99/89-IT(B)]
B. F. ALEXANDER, Under Secy.

आदेश

नई दिल्ली, 20 फरवरी, 1990

स्टाम्प

का.आ. 622—भारतीय स्टाम्प अधिनियम, 1899
(1899 का 2) की धारा 9 की उपधारा (1) के खण्ड

(ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा [मि. एम. के.एफ. विर्जिन इण्डिया लि., बंवई, को केवल दस लाख पचास हजार रुपये के उम समेकित शुल्क का भुगतान करने की अनुमति प्रदान करती है, जो उक्त कम्पनी द्वारा जारी किए जाने वाले चेदह करोड़ रुपये के कुल मूल्य के एक-एक सौ रुपये के 14,00,000-14% सुरक्षित विमोच्य असमरिवर्तनीय ऋण-पत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 4/90-स्टाम्प-फा.सं. 33/11/90-वित्रीकर]

ORDER

New Delhi, the 20th February, 1990

STAMPS

S.O. 622.—In exercise of the powers conferred by clause (b) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the M/s SKF Bearings India Limited, Bombay to pay consolidated stamp duty of rupees ten lakhs and fifty thousand only, chargeable on account of the stamp duty on 14,00,000—14 per cent Secured redeemable Non-convertible Debentures of Rs. 100.00 each of the total value of rupees fourteen crores to be issued by the said company.

[No. 4/90 Stamps—F. No. 33/11/90-ST]

आदेश

नई दिल्ली, 22 फरवरी, 1990

स्टाम्प

का.आ. 623—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा गुजरात राज्य पर्यावरण निगम, अहमदाबाद को वयसी हजार पांच सौ रुपये मात्र के उस समेकित स्टाम्प शुल्क का भुगतान करने की अनुमति प्रदान करती है जो उक्त निगम द्वारा जारी किए जाने वाले एक करोड़ और इस लाख रुपये के अंकित मूल्य के ऋण-पत्रों के रूप में 11.5 प्रतिशत रुपयव वांड 2009 पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 5/90-स्टाम्प-फा.सं. 33/12/90-वि.क.]
वी.के.स्वामीनाथन, अवर सचिव

ORDER

New Delhi, the 22nd February, 1990

STAMPS

S.O. 623.—In exercise of the powers conferred by clause (b) of Sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits the Gujarat State Road Transport Corporation, Ahmedabad to pay consolidated stamp duty of rupees eighty two thousand five hundred only, chargeable on account of the stamp duty on 11.5 per cent Debenture Bonds 2069 in the form of debentures of the face value of rupees one crore and ten lakhs to be issued by the said corporation.

[No. 5/90-Stamp—F. No. 33/12/90-ST]
V. K. SWAMINATHAN, Under Secy.

आदेश

नई दिल्ली, 1 मार्च, 1990

का.आ. 624—भारत सरकार के संयुक्त सचिव ने, जिन विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप में समर्पित किया गया है, उक्त उपधारा के अंतीम आदेश फा.सं. 673/133/89-सी.श. 8 तारीख 20-3-1989 यह निवेश देते हुए जारी किया था कि श्री देवेंद्र कुमार शाह (जैन), निवासी टाइप 'बी', बिल्डिंग नं. 2, कमरा नं. 19, सी.जी.एस. क्वार्टर्स, घाटकोपर (पश्चिम) बम्बई -400086 को निश्च द्वारा लिया जाए और केन्द्रीय कारगार, बम्बई में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने ले जाने का काम करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोत्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है और जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निवेश देती है कि पूर्वोत्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त बम्बई के समक्ष हाजिर हों।

[फा.सं. 673/133/89-सी.श.-8]

New Delhi, the 1st March, 1990

ORDER

S.O. 624.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/133/89-Cus. VIII dated 20th March, 1989 under the said sub-section directing that Shri Devendra Kumar Shah (Jain), Type 'B', Building No. 2, Room No. 19, CGS Quarters, Ghatkopar (W), Bombay-400086 be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from engaging in transporting smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Police Commissioner, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/133/89-Cus. VIII]

आदेश

का.आ. 625—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के

अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/229/89-सी.शु. 8 तारीख 17-5-1989 यह निदेश देते हुए जारी किया था कि श्री समरेण मलिक, गांव शक्ति नगर, डाकघर मसलान्दा-पुर, थाना हावरा, जिला 24 परगनास (नार्थ), पर्श्चम बंगाल को निरुद्ध कर लिया जाए और प्रेसीडेंसी जेल कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने ले जाने का काम करने से रोका जासके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः अब केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रताशन के 7 दिन के भीतर पुलिस महानिदेशक, पर्श्चम बंगाल, कलकत्ता के समक्ष हाजिर हों।

[फा.सं. 673/229/89-सी.शु.-8]

ORDER

S.O. 625.—Whereas the Joint Secretary of the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/229/89-Cus. VIII dated 17th May, 1989 under the said sub-section directing that Shri Samarendra Mallick, Vil. Saktinagar, P.O. Maslandapur, P.S. Habra, District 24-Parganas (North), West Bengal be detained and kept in custody in the Presidency Jail, Calcutta with a view to preventing him from engaging in transporting smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director-General of Police, West Bengal, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/229/89-Cus. VIII]

आदेश

का.आ. 626—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/230/89-सी.शु. 8 तारीख 17-5-1989 यह निदेश देते हुए जारी किया था कि श्री विप्ल डे, पुत्र स्वर्गीय निर्मल चन्द्र डे, गांव बेटपुल (नार्थ), डाकघर विश्वास हाटी, थाना हावरा, जिला 24 परगनास (नार्थ) को निरुद्ध कर लिया जाए और प्रेसीडेंसी जेल, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने ले जाने का काम करने से रोका जासके।

के मात्र का धंधा करने और उसे लाने ले जाने का काम करने से तथा तस्करी के मात्र को छिपाने अथवा रखने के अलावा तस्करी के माल का धंधा करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक, पर्श्चम बंगाल, कलकत्ता के समक्ष हाजिर हों।

[फा.सं. 673/230/89-सी.शु.-8]

ORDER

S.O. 626.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/230/89-Cus. VIII dated 17th May, 1989 under the said sub-section directing that Shri Bimal Dey, S/o Late Nirmal Chandra Dey, Village Bettul (North), P.O. Biswas Hat, P.S. Habra, District 24. Parganas (North), be detained and kept in custody in Presidency Jail, Alipore, Calcutta with a view to preventing him from dealing in and engaging in transporting smuggled goods and dealing in smuggling goods otherwise than engaging in concealing or keeping smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General, Police, West Bengal, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/230/89-Cus. VIII]

आदेश

का.आ. 627—भारत सरकार के संयुक्त मंत्रिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/247/89-सी.शु. 8 तारीख 18-5-1989 यह निदेश देते हुए जारी किया था कि श्री भोसाराम हुसेन पुत्र गईमुरीन पिल्लार, गांव नूरपुर, डाकघर नूरपुर कुथो, थाना सुती, जिला मुर्गीदाबाद को निरुद्ध कर लिया जाए और प्रेसीडेंसी जेल, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने ले जाने का काम करने से रोका जासके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने

को छिपा रहा है जिसमें उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिम सम्बन्धित विवरण के सम्बन्ध हाजिर हों।

[फा.सं. 673/247/89-सी.ग्र.-8]

ORDER

S.O. 627.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/247/89-Cus. VIII dated 18th May, 1989 under the said sub-section directing that Shri Mossarap Hossain, S/o Naimuddin Biswas, Village Noorpur, P.O. Noorpur, Kuthi, P.S. Suti, District Murshidabad be detained and kept in custody in the Presidency Jail, Calcutta with a view to preventing him from engaging in transporting smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director-General, Police, West Bengal, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/247/89-Cus. VIII]

आदेश

का.आ. 628—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप में सशक्ति किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/251/89-सी.ग्र. 8 तारीख 18-5-1989 यह निदेश देते हुए जारी किया था कि श्री मोह. फारुख, पुत्र स्वर्गीय मोह. याकूब, 29, ईडन अम्पताल रोड, कलकत्ता-700073, को निरुद्ध कर लिया जाए और प्रेसीडेंसी जेल, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के गाल को लाने वे जाने का काम करने में रोका जा सके ;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फगर हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निष्पादन नहीं हो सके ।

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिम सम्बन्धित विवरण के सम्बन्ध हाजिर हों।

[फा.ग्र. 673/251/89-सी.ग्र.-8]

ORDER

S.O. 628.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/251/89-Cus. VIII dated 18th May, 1989 under the said sub-section directing that Shri Md. Farooq, son of late Md. Yaqub, 29, Eden Hospital Road, Calcutta-700073; be detained and kept in custody in the Presidency Jail, Alipore, Calcutta with a view to preventing him from engaging in transporting smuggled goods;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/251/89-Cus. VIII]

आदेश

का.आ. 629.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्ति किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/264/89-सी.ग्र. 8 तारीख 17-5-1989 यह निदेश देते हुए जारी किया था कि श्री मंजीत सिंह, पुत्र गुरदेव सिंह, गाजीवाली गली, सामरा मार्ग, 3304/2, हाजिया लेन, मार्किट के सामने, अम्बाला, हरियाणा को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, अम्बाला में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने वे जाने और छिपाने का काम करने में रोका जा सके ।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निष्पादन नहीं हो सके ;

3. अतः अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिम सम्बन्धित विवरण के सम्बन्ध हाजिर हों।

[फा.सं. 673/264/89-सी.ग्र.-8]

ORDER

S.O. 629.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/264/89-Cus. VIII dated 17th May, 1989 under the said sub-section directing that Shri Manjeet Singh, son of Gurdev Singh, Gaziwali Galli, Samara Marg, 3304/2, Hazia Lane, Opposite Market, Ambala, Haryana be detained and kept in custody in the Central Prison, Ambala with a view to preventing him from engaging in transporting and concealing smuggled goods;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the D.G. of Police, Haryana, Chandigarh within 7 days of the publication of this order in the official Gazette.

[F. No. 673/264/89-Cus. VIII]

आदेश

का.आ. 630.—भारत सरकार के संयुक्त मंत्रिय ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से संशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/431/89-मी.श. 8 तारीख 10-8-1989 यह निदेश देने हुए, जारी किया था कि श्री तुसदूक हुसैन उक्त सेन्टु पव श्री गयाजीदीन शेख, गांव माहाबाद, लाकपुर, थाना लालगोला, ज़िला मुर्शिदाबाद, पश्चिम बंगाल को निश्चित कर नियम जाए और पेसीडेंसी जेल, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने-ले जाने, का काम करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने वा कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः, श्रव, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिम आयुक्त दिल्ली के समक्ष हाजिर हो।

[फा.सं. 673/431/89-मी.श. -8]

ORDER

S.O. 630.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/431/89-Cus. VIII dated 13th July, 1989 under the said sub-section directing that Shri Satpal Singh Batra @ Raju, son of Shri Charat Singh, A.N. 2B, DDA Flats, Shalimar Bagh, New Delhi be detained and kept in custody in the Central Jail, Tihar, New Delhi with a view to preventing him from smuggling goods and dealing in smuggled goods otherwise than by engaging in transporting, concealing and keeping smuggled goods;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Delhi within 7 days of the publication of this order in the official Gazette.

[F. No. 673/431/89-Cus. VIII]

आदेश

का.आ. 631.—भारत सरकार के संयुक्त मंत्रिय ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से संशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/464/89-मी.श. 8 तारीख 10-8-1989 यह निदेश देने हुए, जारी किया था कि श्री तुसदूक हुसैन उक्त सेन्टु पव श्री गयाजीदीन शेख, गांव माहाबाद, लाकपुर, पहारपुर, थाना लालगोला, ज़िला मुर्शिदाबाद, पश्चिम बंगाल को निश्चित कर नियम जाए और पेसीडेंसी जेल, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने-ले जाने, का काम करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः, श्रव, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिम महानिरीक्षक, कलकत्ता के समक्ष हाजिर हो।

[फा.सं. 673/464/89-मी.श. -8]

ORDER

S.O. 631.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/464/89-Cus. VIII dated 10th August, 1989 under the said sub-section directing that Shri Tusaddeek Hossain alias Sentu, son of Shri Riazuddin Seikh, Village Sahabab, P.O. Paharpur, P.S. Lalgola, District Murshidabad, West Bengal be detained and kept in custody in the Presidency Jail, Alipore, Calcutta with a view to preventing him from engaging in transporting smuggled goods;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the D.G. of Police, West Bengal, Calcutta, within 7 days of the publication of this order in the official Gazette.

[F. No. 673/464/89-Cus. VIII]

आदेश

का.आ. 632.—भारत सरकार के संयुक्त मंत्रिय ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से संशक्त किया है, उक्त उपधारा के अधीन आदेश फा.सं. 673/468/89-मी.श. 8 तारीख 7-8-1989 यह निदेश देने हुए, जारी किया था

कि श्री अविनाश चन्द्र गुलाटी पुत्र श्री चेन्तन प्रकाश, निवासी मकान नं. 94, लाजपतनगर, जालंधर को निष्ठा कर लिया जाए और केन्द्रीय कारगार, जालंधर में असिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फगर हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निषादन नहीं हो गके;

3. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त सक्रियों का प्रयोग करने के, यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के शामकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिम समानिदेशम्, पंजाब, चण्डीगढ़ के समक्ष हाजिर हो।

[फा. सं. 673/468/89-सी. षु. 8]

ORDER

S.O. 632.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974), issued under F. No. 673/468/89-Cus. VIII dated 7th August, 1989 under the said sub-section directing that Shri Avinash Chander Gulati, S/o Shri Chaten Prakash, R/o H. No. 94, Lajpat Nagar, Jalandhar be detained and kept in custody in the Central Jail, Jalandhar with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Director General, Police, Chandigarh, Punjab within 7 days of the publication of this order in the official Gazette.

[F. No. 673/468/89 Cus. VIII]

आदेश

फा. आ. 633 :—भारत सरकार के संप्रत निचिल ने, जिसे विदेशी मुद्रा संक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप में संक्षण किया गया है। उक्त उपधारा के अधीन आदेश फा. सं. 673/472/89-सी. षु. 8 तारीख 14-8-1989 यह निदेश देते हुए जारी किया था कि श्री मोहम्मद रहमान उर्फ बी महमूद, 197, फजल विल्डिंग, निशानपाड़ा गोड, डोगरी, वर्म्बर्ड-400009, को निष्ठा कर दिया जाए और केन्द्रीय कारगार, वर्म्बर्ड में असिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी ग्राह के संवर्धन के लिए हानिकारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फगर हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निषादन नहीं हो सके;

3. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त सक्रियों का प्रयोग करके हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शामकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिम समानिदेशम् आदेश के समक्ष हाजिर हो।

[फा. सं. 673/472/89-सी. षु. 8]

ORDER

S.O. 633.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/472/89-Cus. VIII dated 14th August, 1989 under the said sub-section directing that Shri Mohammed Rehman @ T. Mahmood, 197, Fazal Building, Nishanpade Road, Dongri, Bombay be detained and kept in custody in the Central Prison Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange,

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/472/89-Cus. VIII]

आदेश

फा. आ. 634 :—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप में संक्षण किया गया है, उक्त उपधारा के अधीन आदेश फा. गं. 673/540/89-सी. षु. 8 तारीख 20-9-89 यह निदेश देते हुए जारी किया था कि श्री राजू गाई सूर्यल उर्फ सफारी, भूतल, 216, वालकिन विल्डिंग, कान्दवांडी रोड, राजस्थान बैक दो सामने, वर्म्बर्ड-2 को निष्ठा कर दिया जाए और केन्द्रीय कारगार, सावरगढ़ी, अहमदाबाद में असिरक्षा में रखा जाए ताकि उसे तस्करी के गाल को लाने ले जाने वा छिपाने वा रखने के काम के अवाया तस्करी के मात्र का धन्दा करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फगर हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का निषादन नहीं हो सके।

3. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त

शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त बम्बई के समक्ष हाजिर हों।

[फा. सं. 673/540/89-सी. शु. 8]

ORDER

S.O. 634.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/540/89-Cus. VIII dated 20th September, 1989 under the said sub-section directing that Shri Rajubhai Bhatmal @ Safari, Ground Floor, 216, Walkin Building, Kalpadevi Road, Opposite Rajasthan Bank, Bombay-2 be detained and kept in custody in the Central Prison, Sabarmati, Ahmedabad with a view to preventing him from dealing in smuggled goods otherwise than by engaging in transporting or concealing or keeping smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner, Police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/540/89-Cus. VIII]

आदेश

का. आ. 635.—भारत सरकार के संयुक्त मंत्रिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से मशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/557/89-सी. शु. 3 तारीख 28-9-1989 यह निदेश देते हुए जारी किया था कि श्री गौरगां घोप उर्फ गोरा पुत्र सुकुमार घोष गांव और डाकघर गोलजन, थाना बिरहामपुर, जिला मुर्शिदाबाद, पश्चिम बंगाल को निरुद्ध कर लिया जाए और प्रैसीडेंसी जेल, अलीपुर, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने ले जाने और रखने का काम करने और तस्करी के माल को छिपाने का काम करने के अलावा तस्करी के माल का धंधा करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसने उक्त आदेश का निपादन नहीं हो सके।

3. अतः श्रव केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त, पश्चिम बंगाल, कलकत्ता के समक्ष हाजिर हों।

[फा. सं. 673/557/89-सी. शु. 8]

ORDER

S.O. 635.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/557/89-Cus. VIII dated 28th September, 1989 under the said sub-section directing that Shri Gouranga Ghosh, Village & P.O. Geolian, P.S. Berhampore, District Murshidabad, West Bengal be detained and kept in custody in the Presidency Jail, Alipore, Calcutta with a view to preventing him from engaging in transporting and keeping smuggled goods and dealing in smuggled goods otherwise than by engaging in concealing smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Police Commissioner, West Bengal, Calcutta within 7 days of the publication of this order in the official Gazette.

[F. No. 673/557/89 Cus. VIII]

आदेश

का. आ. 636.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से मशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/565/89-सी. शु. 8 तारीख 28-11-1989 यह निदेश देते हुए जारी किया था कि श्री जे. मोहम्मद रफीक पुत्र श्री ए. एम. जमाल, प्लाट नं. 229, अन्ना नगर, मदुरै को निरुद्ध कर लिया जाए और केन्द्रीय कागगार, मद्रास में अभिरक्षा में रखा जाए ताकि उसे ऐसा कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के मंत्रित के लिए हानिकारक हो;

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसने उक्त आदेश का निपादन नहीं हो सके;

3. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस आयुक्त मद्रास के समक्ष हाजिर हों।

[फा. सं. 673/565/89-सी. शु. 8]

ORDER

S.O. 636.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/565/89-Cus. VIII dated 28th November, 1989 under the said sub-section directing that Shri J. Mohamed Rafeek, son of A.M. Jamal, Plot No. 229, Anna Nagar, Madras be detained and kept in custody in the Central Prison, Madras with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas, the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of Police, Madras within 7 days of the publication of this order in the official Gazette.

[F. No. 673/565/89-Cus. VIII]

आदेश

का. आ. 637.—भारत सरकार के संयुक्त सचिव ने, जिसमें विदेशी मद्रा संग्रहण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप में सशवक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/588/89-मी. श. 8 नारीख 19-10-1989 यह निदेश देते हुए जारी किया गया था कि श्री सेलवम उर्फ चिन्ना ज्योति उर्फ अन्ना उर्फ मामा उर्फ चिन्ना उर्फ मेल्वा कुमार उर्फ गुरुनाथम उर्फ अब्दुल्ला पुब दुर्दराजा, न० 8-वी पी एण्ड टी कालोनी, न्यू-फेयर लैण्ड, सलेम—16. को निरुद्ध कर लिया जाए और केन्द्रीय कारागार, हैदराबाद में अभिरक्षा में रखा जाए ताकि उसे माल की तस्करी करने में सहायता करने और तस्करी के माल को लाने ले जाने का काम करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शामकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक पञ्चमी वंगाल, कलकत्ता के यमन्द्र हाजिर हों।

[फा. सं. 673/588/89-मी. श. 8]

ORDER

S.O. 637.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/588/89-Cus. VIII dated 12th October, 1989 under the said sub-section directing that Shri Selvam @ China Jyothi @ Anna @ Mama @ Chinna @ Selva Kumar @ Gurunadham X Abdullah, S/o Durairaja, No. 8-B, P&T Colony, New Fiar Lands, Salem-16 be detained and kept in custody in the Central Prison, Hyderabad with a view to preventing him from abetting the smuggling of goods and engaging in transporting smuggled goods.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person

to appear before the Police Commissioner, Madras within 7 days of the publication of this order in the official Gazette

[F. No. 673/588/89-Cus. VIII]

आदेश

का. आ. 638.—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मद्रा संग्रहण और तस्करी निवारण अधिनियम, 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप में सशवक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/594/89-मी. श. 8 नारीख 19-10-1989 यह निदेश देते हुए जारी किया था कि श्री शैख साजाहान उर्फ साजहान शैख पुत्र इस्लाम शैख, गांव शिवपुर, डाक गैदापुर, थाना रवृताम गंज, जिन्होंने मुर्शिदाबाद, पश्चिम बंगाल को निश्चित कर निया जाए और प्रेसीडेंसी जेल, अलीपुर, कलकत्ता में अभिरक्षा में रखा जाए ताकि उसे तस्करी के माल को लाने ले जाने का काम करने से रोका जा सके।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिसमें उक्त आदेश का निष्पादन नहीं हो सके;

3. अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि पूर्वोक्त व्यक्ति इस आदेश के शामकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुलिस महानिदेशक पञ्चमी वंगाल, कलकत्ता के यमन्द्र हाजिर हों।

[फा. सं. 673/594/89-सी. श. 8]

ORDER

S.O. 638.—Whereas the Joint Secretary to the Government of India, specially empowers under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/588/89-Cus. VIII dated 19th October, 1989 under the said sub-section directing that Shri Sheikh Sajahan @ Sajahan Seikh, son of Islam Seikh, Village Shibpur, Post Shaidapur, P.S. Raghunathgunj, District Murshidabad, West Bengal be detained and kept in custody in the Presidency Jail, Alipore, Calcutta with a view to preventing him from engaging in transporting smuggled goods;

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the D.G. of Police, West Bengal, Calcutta within 7 days of the publication of this order in the official Gazette

[F. No. 673/594/89-Cus. VIII]

आदेश

का. आ. 639:—भारत सरकार के संयुक्त सचिव ने, जिसे विदेशी मुद्रा संरक्षण और नक्करी निवारण अधिनियम 1974 (1974 का 52) की धारा 3 की उपधारा (1) के अधीन विशेष रूप से सशक्त किया गया है, उक्त उपधारा के अधीन आदेश फा. सं. 673/598/89-सी. शु. 8 तारीख 19-10-1989 यह निदेश देते हुए जारी किया था कि श्री जेठामल कपूरचन्द कोठारी, दुकान नं. 3, फस्ट लेन, कमालीपुरा, बम्बई-400008, को निरुद्ध कर लिया जाए और केन्द्रीय कार्रागार, बम्बई में अधिकारी में रखा जाए ताकि कोई भी कार्य करने से रोका जा सके जो विदेशी मुद्रा के संवर्धन के लिए हानिभारक हो।

2. केन्द्रीय सरकार के पास यह विश्वास करने का कारण है कि पूर्वोक्त व्यक्ति फरार हो गया है या अपने को छिपा रहा है जिससे उक्त आदेश का नियान नहीं हो सके;

3. अतः केन्द्रीय सरकार, उक्त अधिनियम, की धारा 7 की उपधारा (1) के खंड (ब) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह निदेश देता है कि पूर्वोक्त व्यक्ति इस आदेश के शासकीय राजपत्र में प्रकाशन के 7 दिन के भीतर पुनिम आयुक्त, बम्बई के समक्ष हाजिर हो।

[फा. सं. 673/598/89-सी. शु. 8]
कुलवीप द्विंदा, अवर सचिव

ORDER

S.O. 639.—Whereas the Joint Secretary to the Government of India, specially empowered under sub-section (1) of section 3 of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (52 of 1974) issued under F. No. 673/598/89-Cus. VIII dated 19th October, 1989 under the said sub-section directing that Shri Jethamal Kapoorchand Kothari, Shop No. 3 First Lane, Kamathipura, Bombay be detained and kept in custody in the Central Prison, Bombay with a view to preventing him from acting in any manner prejudicial to the augmentation of foreign exchange.

2. Whereas the Central Government has reasons to believe that the aforesaid person has absconded or is concealing himself so that the order cannot be executed;

3. Now, therefore, in exercise of power conferred by clause (b) of sub-section (1) of section 7 of the said Act, the Central Government hereby directs the aforesaid person to appear before the Commissioner of police, Bombay within 7 days of the publication of this order in the official Gazette.

[F. No. 673/598/89-Cus. VIII]
KULDIP SINGH, Under Secy.

केन्द्रीय प्रस्तुत कर दोउँ

नई दिल्ली, 29 जनवरी, 1990

आयकर

का. आ. 640.—आयकर अधिनियम, 1961 (1961 43) की धारा 10 के खंड (17) के उपखंड (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद-द्वारा तमिलनाडु विधानसभा के सदस्यों को प्राप्त प्रतिपूर्ति 591 GI|90—2.

भन्ते तथा टेलीफोन भन्ते को 600 रु. (छ: सौ रुपये) प्रति माह की सीमा तक उक्त उपखंड के प्रयोजनार्थे अधिसूचित करती है।

[सं. 8554/फा. सं. 200/188/89-
आ. कर नि.]

आनंद किशोर, अवर सचिव

(Central Board of Direct Taxes)

New Delhi, the 29th January, 1990

INCOME-TAX

S.O. 640.—In exercise of the powers conferred by sub-clause (iii) of clause (17) of section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies the Compensatory Allowance and Telephone Allowance received by the Members of Tamilnadu Legislative Assembly to the extent of rupees six hundred per month for the purposes of the said sub-clause.

[No. 8554/F. No. 200/188/89-ITA.I]
ANAND KISHORE, Under Secy.

(व्यवस्था)

नई दिल्ली, 9 फरवरी 1990

का. आ. —राष्ट्रपति, भारत के मंविधान के अनुच्छेद 77 के खंड (3) के अनुसरण में, वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 का और संशोधन करने के लिए निम्नलिखित नियम बनाने हैं, अर्थात् :—

1. (1) इन नियमों का संक्षिप्त नाम वित्तीय शक्तियों का प्रत्यायोजन (संशोधन) नियम, 1990 है।

(2) ये गजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।

2. वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978 के नियम 8 के उपनियम (3) के, क्रम संख्यांक (4) और क्रम संख्यांक (4क) तथा उनके अंतिम प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्यांक और प्रविष्टियाँ रखी जाएंगी अर्थात् :—

“4. (क) आवा व्यव

(ख) सबारी भना,

(ग) वैज्ञानिकों की प्रतिनियुक्ति और विदेश यात्रा।”

टिप्पण : वित्तीय शक्तियों का प्रत्यायोजन नियम, 1978, अधिसूचना सं. का.आ. 2131, तारीख 22 जुलाई, 1978 द्वारा प्रकाशित किए गए थे और तत्त्वात् उनका निम्नलिखित द्वारा संशोधन किया गया :—

- (i) अधिसूचना सं. का.आ. 1887, तारीख 9-6-79
- (ii) " सं. का.आ. 2942, तारीख 1-9-79
- (iii) " सं. का.आ. 2611, तारीख 4-10-80
- (iv) " सं. का.आ. 2164, तारीख 15-8-81
- (v) " सं. का.आ. 2304, तारीख 5-9-81
- (vi) " सं. का.आ. 3073, तारीख 4-9-82
- (vii) " सं. का.आ. 4171, तारीख 11-12-82

- (8) अधिसूचना सं.का.आ. 1312, तारीख 25-2-83
- (9) „ सं.का.आ. 2502, तारीख 4-8-84
- (10) „ सं.का.आ. 22, तारीख 5-1-85
- (11) शुद्ध पत्र सं.का.आ. 1958, तारीख 11-5-85
- (12) „ सं.का.आ. 3082, तारीख 6-7-85
- (13) „ सं.का.आ. 3974, तारीख 24-8-85
- (14) „ सं.का.आ. 5641, तारीख 21-12-85
- (15) „ सं.का.आ. 1548, तारीख 19-4-86
- (16) „ सं.का.आ. 3183, तारीख 20-9-86
- (17) „ सं.का.आ. 3787, तारीख 8-11-86
- (18) „ सं.का.आ. 2508, तारीख 19-9-87
- (19) „ सं.का.आ. 3092, तारीख 7-11-87
- (20) „ सं.का.आ. 3581, तारीख 10-12-88

[सं. का. 1 (25)-ई. II(ए)/89]
डी. त्यागेश्वरन, अवृत्त सचिव

(Department of Expenditure)

New Delhi, the 9th February, 1990

S.O. 641.—In pursuance of clause (3) of article 77 of the Constitution of India, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1978, namely :—

1. (1) These rules may be called the Delegation of Financial Powers (Amendment) Rules, 1990.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In rule 8 of the Delegation of Financial Powers Rules, 1978, in sub-rule (2), for serial numbers (4) and (4A) and entries thereof, the following serial number and entries thereto shall be substituted, namely :—

- “4. (a) Travel Expense ;
- (b) Conveyance Allowance;
- (c) Deputation and Travel abroad of Scientists.”.

NOTE :—The Delegation of Financial Powers Rules, 1978 published vide Notification No. 2131, dated 22nd July, 1978 have subsequently been amended by :—

- (i) Notification No. SO 1887, dated 9-6-1979.
- (ii) Notification No. SO 2942, dated 1-9-1980.
- (iii) Notification No. SO 2611, dated 4-10-1980.
- (iv) Notification No. SO 2164, dattd 15-8-1981.
- (v) Notification No. SO 2304, dated 5-9-1981.
- (vi) Notification No. SO 3073, dated 4-9-1982.
- (vii) Nctification No. S.O. 4171 dated 11-2-1982.
- (viii) Notification No. SO 1314, dated 26-2-1983.
- (ix) Notification No. SO 2502, dated 4-8-1984.
- (x) Notification No. SO 22, dated 5-1-1985.
- (xi) Corrigendum No. SO 1958, dated 11-5-1985.
- (xii) Notification No. SO 3082, dated 6-7-1985.
- (xiii) Notification No. SO 3974, dated 24-8-1985.
- (xiv) Notification No. SO 5641, dated 21-12-1985.
- (xv) Notification No. SO 1548, dated 19-4-1986.
- (xvi) Notification No. SO 3183, dated 20-9-1986.
- (xvii) Notification No. SO 3787, dated 8-11-1986.
- (xviii) Notification No.2508, dated 19-9-1987.
- (xix) Notification No. SO 3092, dated 7-11-1987.
- (xx) Notification No. SO 3581, dated 10-12-1988.

[No. F. 1(25)-E.II(A)/89]
D. THYAGESWARAN, Under Secy.

(आर्थिक कार्य विभाग)

नई दिल्ली, 26 फरवरी, 1990

का. आ. 642.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमाबली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में वित्त मंत्रालय (आर्थिक कार्य विभाग) के प्रशासनिक नियंत्रण में स्थित भारतीय साधारण बीमा निगम तथा भारतीय जीवन बीमा निगम के निम्नलिखित कार्यालयों को, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिंदू का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

(1) भारतीय साधारण बीमा निगम(फसल बीमा विभाग)

- कार्यालय—(1) लखनऊ
- (2) पटना
- (3) अहमदाबाद
- (4) भोपाल
- (5) नई दिल्ली

(क) कंपनी का नाम। नेशनल इंश्योरेस कंपनी लिमिटेड

- 1. मंडल कार्यालय, कोटा
- 2. मंडल कार्यालय-1, इदौर
- 3. मंडल कार्यालय, इलाहाबाद
- 4. मंडल कार्यालय हलद्वानी
- 5. मंडल कार्यालय, देहरादून
- 6. मंडल कार्यालय, मुरादाबाद
- 7. मंडल कार्यालय, करनाल
- 8. मंडल कार्यालय-2, कानपुर
- 9. मंडल कार्यालय, खालियर
- 10. मंडल कार्यालय, भिलाई
- 11. शाखा कार्यालय, गुजराती बाजार, सागर
- 12. शाखा कार्यालय, भराफा बाजार, इटारसी
- 13. शाखा कार्यालय, स्टेशन रोड, मंडीदीप, जि. रायसेन
- 14. शाखा कार्यालय, माध्यबंगल, विदिशा
- 15. शाखा कार्यालय, सीहोर
- 16. शाखा कार्यालय सवाई मधोपुर
- 17. शाखा कार्यालय, मोदी नगर
- 18. शाखा कार्यालय, मुजफ्फर नगर
- 19. शाखा कार्यालय, शामली
- 20. शाखा कार्यालय, मिर्जापुर
- 21. शाखा कार्यालय, गोपेश्वर
- 22. शाखा कार्यालय, ऊनाथमंजन
- 23. शाखा कार्यालय, रायबरेली
- 24. शाखा कार्यालय, बहराहच
- 25. मुख्य शाखा कार्यालय, कानपुर
- 26. शाखा कार्यालय, हापुड़
- 27. शाखा कार्यालय, सहारनपुर
- 28. शाखा कार्यालय, याहजहांपुर
- 29. शाखा कार्यालय, हमीरपुर, उत्तर प्रदेश

30. शाखा कार्यालय-2, मेरठ
31. शाखा कार्यालय, गाजीपुर
32. शाखा कार्यालय, देवरिया
33. शाखा कार्यालय-1, वाराणसी
34. शाखा कार्यालय, फि रोजाबाद
35. शाखा कार्यालय, हमीरपुर (चंडी)
36. शाखा कार्यालय, धर्मशला
37. शाखा कार्यालय, मंडी डबबाली
38. शाखा कार्यालय, पांवटा साहिब
39. शाखा कार्यालय, मंडी (हिमाचल प्रदेश)
40. नगर शाखा कार्यालय, कोटा
41. नगर शाखा कार्यालय-1, इंदौर
42. नगर शाखा कार्यालय-2, इंदौर
43. शाखा कार्यालय, कालावाड़
44. शाखा कार्यालय, (पी.एस.बी.) लखनऊ
45. शाखा कार्यालय, अूपिकेश
46. शाखा कार्यालय, जौनपुर
47. शाखा कार्यालय, चम्बा (ठिहरी गढ़वाल)
48. शाखा कार्यालय, कोटद्वारा
49. शाखा कार्यालय-3, बरेली
50. शाखा कार्यालय, काशीपुर, नैनीताल
51. शाखा कार्यालय, हलाहाल
52. शाखा कार्यालय, आजमगढ़
53. शाखा कार्यालय, हरिधार
54. शाखा कार्यालय, देरादून
55. शाखा कार्यालय, गजरौला
56. शाखा कार्यालय, मुरादाबाद
57. शाखा कार्यालय, झासी
58. शाखा कार्यालय, उम्बाव
59. शाखा कार्यालय-2, वाराणसी
60. शाखा कार्यालय, डाल्टनगंज
61. शाखा कार्यालय, लोहारखुगा
62. शाखा कार्यालय, हजारीबाग
63. शाखा कार्यालय, जहानाबाद
64. शाखा कार्यालय, नेवादा
65. शाखा कार्यालय, कोडरमा
66. शाखा कार्यालय, बक्सर
67. शाखा कार्यालय, यमुना नगर
68. शाखा कार्यालय, कुरुक्षेत्र
69. शाखा कार्यालय, ऊना
70. शाखा कार्यालय, कुस्तू
71. शाखा कार्यालय, चम्बा
72. शहर शाखा कार्यालय, अम्बाला
73. शाखा कार्यालय-1 खालियर
74. शाखा कार्यालय-2, खालियर
75. शाखा कार्यालय, बैड़न (सोंधी)
76. शाखा कार्यालय, राजनगर पंच
77. शाखा कार्यालय, भिलाई
78. शाखा कार्यालय, दुर्ग

79. शाखा कार्यालय, दतिया
80. शाखा कार्यालय, टीक्कगढ़
81. शाखा कार्यालय, गुना
82. शाखा कार्यालय, मुरैना
83. शाखा कार्यालय, जबलपुर

(ख) दि न्यू इंडिया एश्यूरेंस कंपनी लिमिटेड :

1. मंडल कार्यालय-111200, न्यू इंडिया भवन
2. मंडल कार्यालय-110600, मेहता महल
3. मंडल कार्यालय-110500, दादर
4. मंडल कार्यालय-110900, विलेपालैं
5. मंडल कार्यालय-110700, ठाणे
6. मंडल कार्यालय-111000, न्यू इंडिया भवन
7. मंडल कार्यालय, 1113000, ताइदेव
8. मंडल कार्यालय-110900, एम्फा हाउस
9. मंडल कार्यालय-111900, हेन्ले हाउस,
10. मंडल कार्यालय-111800, मोती महल
11. मंडल कार्यालय 112000, एशियन बिल्डिंग
12. मंडल कार्यालय-110 100, विश्रोली
13. मंडल कार्यालय, सांगली
14. मंडल कार्यालय, नागपुर-2
15. मंडल कार्यालय, जलगांव
16. मंडल कार्यालय, नासिक-2
17. मंडल कार्यालय, सतारा
18. मंडल कार्यालय, पुणे-1
19. मंडल कार्यालय, नासिक-1
20. मंडल कार्यालय, सांगली
21. मंडल कार्यालय, नागपुर-1
22. मंडल कार्यालय, पुणे-2
23. मंडल कार्यालय, कोल्हापुर-2
24. मंडल कार्यालय, कोल्हापुर-1
25. मंडल कार्यालय, पुणे
26. मंडल कार्यालय, कोल्हापुर-1
27. प्रा. कार्यालय, पुणे
28. मंडल कार्यालय, अमरावती
29. मंडल कार्यालय, औरंगाबाद
30. मंडल कार्यालय, फोलापुर
31. मंडल कार्यालय, पुणे-3
32. मंडल कार्यालय, आगरा प्रथम
33. मंडल कार्यालय-320901, उदयपुर
34. मंडल कार्यालय, कोटा
35. मंडल कार्यालय, देरादून
36. मंडल कार्यालय, फरीदाबाद
37. मंडल कार्यालय-321100, मेरठ
38. शाखा कार्यालय, गाजियाबाद (321601)
39. शाखा कार्यालय, हरिधार
40. शाखा कार्यालय, कोटद्वारा
41. शाखा कार्यालय, अूपिकेश

42. शाखा कार्यालय, उत्तरकाशी
43. शाखा कार्यालय, रुड़की
44. शाखा कार्यालय, श्रीनगर (गढ़वाल), पौड़ी
45. शाखा कार्यालय, जगपुर द्वितीय-320402
46. शाखा कार्यालय, जयपुर-320403
47. शाखा कार्यालय, दोस्त चतुर्थ-320404
48. शाखा कार्यालय, जयपुर-3 (320501)
49. शाखा कार्यालय, सीकर-11 (320502)
50. शाखा कार्यालय, आगरा प्रथम-320601
51. शाखा कार्यालय, आगरा द्वितीय-320602
52. शाखा कार्यालय तृतीय-320603, आगरा
53. शाखा कार्यालय, एटा
54. शाखा कार्यालय-320901, उदयपुर
55. शाखा कार्यालय-320902, उदयपुर
56. शाखा कार्यालय-320101, आजादपुर
57. शाखा कार्यालय, बूदी
58. शाखा कार्यालय, सहारनपुर
59. शाखा कार्यालय, पामली
60. शाखा कार्यालय, खतोली, जिला मुजफ्फरनगर
61. शाखा कार्यालय, देवबंद
62. शाखा कार्यालय, पाली
63. शाखा कार्यालय, नागौर
64. शाखा कार्यालय, हाथरस
65. शाखा कार्यालय, मथुरा
66. शाखा कार्यालय-321301, अलीगढ़
67. शाखा कार्यालय, पलवल
68. शाखा कार्यालय, बल्जभगढ़
69. शाखा कार्यालय-321101, मेरठ
70. शाखा कार्यालय-321102, मेरठ
71. शाखा कार्यालय-321103, मेरठ
72. शाखा कार्यालय-321104, हापुड़
73. शाखा कार्यालय-331105, बड़ोत
74. शाखा कार्यालय-320701, आगरा
75. शाखा कार्यालय-320702, फिरोजाबाद
76. शाखा कार्यालय-321801, गुडगांव
77. शाखा कार्यालय, धारहरा
78. शाखा कार्यालय, रेवाड़ी
79. शाखा कार्यालय, बद्रपुर
80. मंडल कार्यालय-320200, नारायण

(2) भारतीय जीवन बीमा निगम :

1. मंडल कार्यालय, शिमला
2. शाखा कार्यालय-15 ए, शिमला-2
3. शाखा कार्यालय-16 एफ, बिलासपुर
4. शाखा कार्यालय, अम्बा
5. शाखा कार्यालय, धर्मशाला
6. शाखा कार्यालय, हमीरपुर
7. शाखा कार्यालय, कुल्लू
8. शाखा कार्यालय, मंडी

9. शाखा कार्यालय, नाहन
10. शाखा कार्यालय, नूरपुर
11. शाखा कार्यालय, पालमपुर
12. शाखा कार्यालय, रामपुर बुशहर
13. शाखा कार्यालय, सोलहन
14. शाखा कार्यालय, सुन्दरनगर
15. शाखा कार्यालय, उना
16. शाखा कार्यालय, नालागढ़
17. शाखा कार्यालय, पौंटा साहिब

[सं. 13011/7/88-हि.का.क.]

के. जी. गोयल, निदेशक

(Department of Economic Affairs,

New Delhi, the 26th February, 1990

S.O. 642.—In pursuance of Sub-rules (4) of Rule 10 of the Official Language (Use for official purposes of the Union) Rules, 1976 the Central Government hereby notifies the following offices of the Life Insurance Corporation of India and General Insurance Corporation of India (under the Administrative control of Ministry of Finance, Department of Economic Affairs) where of more than 80 per cent of staff have acquired working knowledge of Hindi.

(1) General Insurance Corporation of India (Group Insurance Dep't.) Office—

1. Lucknow
2. Patna.
3. Ahmedabad.
4. Bhopal.
5. New Delhi.

(A) Name of the Office : National Insurance Company Ltd.

1. Divisional Office, Kota
2. Divisional Office-1, Indore
3. Divisional Office, Allahabad
4. Divisional Office, Huldwani
5. Divisional Office, Dehradun
6. Divisional Office, Moradabad
7. Divisional Office, Karnal
8. Divisional Office-2, Kanpur
9. Divisional Office, Gwalior
10. Divisional Office, Bhilai
11. Branch Office, Gujarati Bazar, Sagar
12. Branch Office, Sarafa Bazar, Itarsi
13. Branch Office, Station Road, Mandideep, Distt. Raisen
14. Branch Office, Madhavganj, Vidisha
15. Branch Office, Sihor
16. Branch Office, Swai Modhopur
17. Branch Office, Modi Nagar
18. Branch Office, Muzaffer Nagar
19. Branch Office, Shamli
20. Branch Office, Mirzapur
21. Branch Office, Gopeshwar
22. Branch Office, Maunathmanjan
23. Branch Office, Raibarailly
24. Branch Office, Bahraich

25. Main Branch Office, Kanpur
 26. Branch Office, Hapur
 27. Branch Office, Saharanpur
 28. Branch Office, Shahjahanpur
 29. Branch Office, Hamir Pur (Uttar Pradesh)
 30. Branch Office-2, Meerut
 31. Branch Office, Gazipur
 32. Branch Office, Devaria,
 33. Branch Office-1, Varanasi
 34. Branch Office, Firozabad
 35. Branch Office, Hamir Pur (Chand.)
 36. Branch Office, Dharamshala
 37. Branch Office, Mandi Dabwali
 38. Branch Office, Panwata Sahib
 39. Branch Office, Mandi (H.P.)
 40. City Branch Office, Kota
 41. City Branch Office-1, Indore
 42. City Branch Office-2, Indore
 43. Branch Office, Jhalawad,
 44. Branch Office, (P.S.B.) Lucknow
 45. Branch Office, Rishikesh
 46. Branch Office, Jaunpur
 47. Branch Office, Chamba (Tehari Garhawali)
 48. Branch Office, Kotdawara
 49. Branch Office-3, Barailly
 50. Branch Office, Kashipur Nainital
 51. Branch Office-1, Allahabad,
 52. Branch Office, Azamgarh
 53. Branch Office, Haridwar
 54. Branch Office, Dehradun
 55. Branch Office, Gajroala
 56. Branch Office, Moradabad
 57. Branch Office, Jhansi
 58. Branch Office, Unnao
 59. Branch Office-2, Varanasi
 60. Branch Office, Daltonganj
 61. Branch Office, Lohardaga
 62. Branch Office, Hazaribagh
 63. Branch Office, Jahanabad
 64. Branch Office, Newada
 65. Branch Office, Kodarma
 66. Branch Office, Buxer
 67. Branch Office, Yamuna Nagar
 68. Branch Office, Kurukshetra
 69. Branch Office, Unna
 70. Branch Office, Kullu
 71. Branch Office, Chamba
 72. City Branch Office, Ambala
 73. Branch Offices-1, Gwalior
 74. Branch Office-2, Gwalior
 75. Branch Office, Baidun (Sondhi)
 76. Branch Office, Rajnand Gaon
 77. Branch Office, Bhilai,
 78. Branch Office, Durg
 79. Branch Office, Datia
 80. Branch Office, Teekamgarh
 81. Branch Office, Guna,
 82. Branch Office, Muraina
 83. Branch Office, Jabalpur,
 (B) The New India Assurance Co. Ltd.
 1. Divisional Office-111200, New India Bhawan,
 2. Divisional Office-110600, Mehta Mahal,
 3. Divisional Office-110500, Dadar,
 4. Divisional Office-110900, Vileparle,
 5. Divisional Office-110700, Thane,
 6. Divisional Office-111000, New India Bhawan,
 7. Divisional Office-111300, Tadadev,
 8. Divisional Office-110900, Emka House,
 9. Divisional Office-111900, Henle House,
 10. Divisional Office-111800, Moti Mahal,
 11. Divisional Office-112000, Asian Building,
 12. Divisional Office-110100, Vikroli,
 13. Divisional Office, Sangli,
 14. Divisional Office, Nagpur-2,
 15. Divisional Office, Jalgoan,
 16. Divisional Office, Nasik-2,
 17. Divisional Office, Satara,
 18. Divisional Office, Pune-1,
 19. Divisional Office, Nasik-1,
 20. Divisional Office, Sangli,
 21. Divisional Office, Nagpur-1,
 22. Divisional Office, Pune-2,
 23. Divisional Office, Kolhapur-2,
 24. Divisional Office, Kolhapur-1,
 25. Divisional Office, Pune,
 26. Divisional Office, Kolhapur-1,
 27. Regional Office, Pune,
 28. Divisional Office, Amarawati,
 29. Divisional Office, Aurangabad,
 30. Divisional Office, Sholapur,
 31. Divisional Office, Pune-3,
 32. Divisional Office, Agra-I,
 33. Divisional Office 320901, Ulyapur,
 34. Divisional Office, Kota,
 35. Divisional Office, Dehradun,
 36. Divisional Office, Faridabad,
 37. Divisional Office-321100, Meerut,
 38. Branch Office, Gaziabad (321601),
 39. Branch Office, Haridwar,
 40. Branch Office, Kotdwara,
 41. Branch Office, Rishikesh,
 42. Branch Office, Uttarkashi,
 43. Branch Office, Roorkee,
 44. Branch Office, Shrinagar (Pouri Garhwal),
 45. Branch Office, Jaipur-II-320402,
 46. Branch Office, Jaipur-320403,
 47. Branch Office, Dosa-IV-320404,
 48. Branch Office, Jaipur-III-320501,

49. Branch Office, Sikar-II (320502),
 50. Branch Office, Agra-320601,
 51. Branch Office, Agra-II-320602,
 52. Branch Office III-320603, Agra,
 53. Branch Office, Ataa,
 54. Branch Office-320901, Udaypur,
 55. Branch Office-320902, Udaypur,
 56. Branch Office, 320101, Azadpur,
 57. Branch Office, Bundi,
 58. Branch Office, Saharanpur,
 59. Branch Office, Shamli,
 60. Branch Office, Khatoli, Dist. Muzaffarnagar,
 61. Branch Office, Devband,
 62. Branch Office, Pali,
 63. Branch Office, Naghor,
 64. Branch Office, Hathras,
 65. Branch Office, Mathura.
 66. Branch Office-321301, Aligarh,
 67. Branch Office, Palwal,
 68. Branch Office, Ballabgarh,
 69. Branch Office-321101, Meerut,
 70. Branch Office-321102, Meerut,
 71. Branch Office-321103, Meerut,
 72. Branch Office-321104, Hapur,
 73. Branch Office-321105, Bruat,
 74. Branch Office-320701, Agra,
 75. Branch Office-320702, Firozabad,
 76. Branch Office-321801, Gurgaon,
 77. Branch Office, Dharuheda,
 78. Branch Office, Rewari,
 79. Branch Office, Badarpur,
 80. Divisional Office-320200, Narayana.

(2) Life Insurance Corporation of India :

1. Divisional Office, Shimla,
 2. Branch Office-15-A, Shimla-2,
 3. Branch Office-16-F, Bilaspur,
 4. Branch Office, Chamba,
 5. Branch Office, Dharamshala,
 6. Branch Office, Hamirpur,
 7. Branch Office, Kullu,
 8. Branch Office, Mandi,
 9. Branch Office, Nahan,
 10. Branch Office, Nurpur,
 11. Branch Office, Palmpur,
 12. Branch Office, Rampur Bushahr,
 13. Branch Office, Solan,
 14. Branch Office, Sunder Nagar,
 15. Branch Office, Unna,
 16. Branch Office, Nalagarh,
 17. Branch Office, Pouna Sahib.

[No. F. 13011/7/88 LHC]
 K. G. GOAL, Director (Admn.)

(बैंकिंग प्रभाग)

नई दिल्ली, 19 फरवरी, 1990

का.आ. 643.—औद्योगिक वित्त निगम अधिनियम, 1948 (1948 का 15) की धारा 10 की उपधारा (1) के खण्ड (ख) के अनुसरण में केन्द्रीय सरकार एतद्वारा श्री एन.आर. कृष्णन, अपर सचिव, उद्योग मंत्रालय, औद्योगिक विकास विभाग, नई दिल्ली को भारतीय औद्योगिक वित्त निगम के निदेशक के रूप में नामित करती है।

[संख्या एफ. 7/6/90-बी.आ. 1]

(Banking Division)

New Delhi, the 19th February, 1990

S.O. 643.—In pursuance of clause (b) of sub-section (1) of section 10 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government hereby nominates Shri N. R. Krishnan, Additional Secretary, Ministry of Industry, Department of Industrial Development, New Delhi as a Director of the Industrial Finance Corporation of India.

[No. F. 7/6/90-B.O. I]

का.आ. 644.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खण्ड (ड) के अनुसरण में केन्द्रीय सरकार एतद्वारा नियन्त्रित सारणी के कालम (1) में निर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (2) में निर्दिष्ट व्यक्तियों के स्थान पर राष्ट्रीय कृषि और ग्रामीण विकास बैंक के निदेशक के रूप में नियुक्त करती है;

सारणी

1

2

1. श्री एस.आर. शंकरन, श्री वी.सी. पांडे
 सचिव
 ग्रामीण विकास विभाग,
 कृषि मंत्रालय, नई दिल्ली
2. श्री एस.के. मिश्रा, श्री सी. श्रीनिवास शास्त्री
 सचिव
 कृषि एवं सहकारिता विभाग,
 कृषि मंत्रालय
 नई दिल्ली।

[सं. एफ. 7/4/90-बी.ओ. 1]

S.O. 644.—In pursuance of clause (e) of sub-section (1) of section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central

Government hereby appoints the persons specified in column (1) of the Table below its Directors of National Bank for Agriculture and Rural Development vice the persons specified in column (2) of the said Table :

TABLE

(1)	(2)
1. Shri S. R. Sankaran, Secretary, Department of Rural Development, Ministry of Agriculture, New Delhi.	Shri V. C. Pande
2. Shri S. K. Mishra, Secretary, Department of Agriculture and Co-operation, Ministry of Agriculture, New Delhi.	Shri C. Srinivasa Sastry

[No. F. 7/4/90-BO. I]

नई दिल्ली, 21 फरवरी, 1990

का. आ. 645.—राष्ट्रीयकृत बैंक (प्रबन्ध और प्रकीर्ण उपबंध स्कीम 1970 के खण्ड 3 के उप खण्ड (ज) के अनुसरण में केन्द्रीय सरकार, एतद्वारा नीचे दी गयी सारणी के कालम (2) में निदिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में निर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में निर्दिष्ट राष्ट्रीयकृत बैंकों का निवेशक नियुक्त करती है।

सारणी

1	2	3
यूको बैंक	श्री दिनेश चन्द्र, संयुक्त सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग), नई दिल्ली।	श्री चे. वा. मीर- चन्द्रानी

1	2	3
यूनियन बैंक	श्री मन्त्रेश्वर आ,	श्री मन्त्रेश्वर आ,
प्राक इंडिया	निवेशक वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग) नई दिल्ली	श्री डी. आर. मेहता
केनरा बैंक	केनरा बैंक संयुक्त सचिव, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग) नई दिल्ली।	श्री डी. आर. मेहता

[म. एफ. 9/7/90-बी.ओ. 1]

New Delhi, the 21st February, 1990

S.O. 645.—In pursuance of sub-clause (h) of clause 3 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government hereby appoints the persons specified in column (2) of the Table below as Directors of the nationalised banks specified in column (1) thereof in place of the persons specified in column (3) of the said Table :—

TABLE

(1)	(2)	(3)
1. UCO Bank	Shri Dinesh Chandra, Joint Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi.	Shri C. W. MERCHANTANI.
2. Union Bank of India	Shri C. W. Merchantani, Director, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi.	Shri Mantreshwar Jha.
3. Canara Bank	Shri Mantreshwar Jha, Joint Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi.	Shri D. R. Mehta.

[No. F. 9/7/90-BO. 1]

का. आ. 646.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रधारी उपबंध) स्कीम, 1970 के खण्ड 5 के उपबंध (1), संख्या 7 और खण्ड 8 के उपबंध (1) के साथ पठित खण्ड 3 के उपबंध (क) के अनुसरण में, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के साथ परामर्श करने के पश्चात्, एतद्वारा, डा. ए.सी. शाह को, जो इस समय बैंक आफ बड़ौदा के अध्यक्ष एवं प्रबन्ध निदेशक के रूप में कार्य कर रहे हैं पहली अप्रैल, 1990 को और उसी तारीख में दिनांक 15 अक्टूबर 1992 तक बैंक आफ बड़ौदा के अध्यक्ष प्रबन्ध निदेशक के रूप में नियुक्त करनी है।

[सं. एफ. 9/26/89-बी.ओ. - 1]

एग्र. एग्र. गीतारामन, अवर सचिव

S.O. 646.—In pursuance of sub-clause (a) of clause 3 read with sub-clause (1) of clause 5, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, after consultation with the Reserve Bank of India, hereby appoints Dr. A. C. Shah, presently acting as Chairman and Managing Director of the Bank of Baroda to be the Chairman and Managing Director of Bank of Baroda on and from the 1st day of April, 1990 to the 15th day of October, 1992.

[No. F. 9/26/89-BO. II]
M. S. SEETHARAMAN, Under Secy.

नई दिल्ली, 20 फरवरी, 1990

का. आ. 647.—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिशों पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ब की उपधारा (1) के उपबन्ध यूनाइटेड बैंस्टर्न बैंक लि., सतारा, पर 23 जनवरी, 1990 से 22 अप्रैल, 1990 तक की तीन माह की अवधि तक अथवा नये अध्यक्ष एवं मुख्य कार्यपालक अधिकारी की नियुक्ति होने तक, लागू नहीं होगी।

[संख्या 15/1/90-बी.ओ.-III(i)]

New Delhi, the 20th February, 1990

S.O. 647.—In exercise of powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (1) and (2) of Section 10-B of the said Act shall not apply to the United Western Bank Ltd., Satara, for a period of three months from 23rd January, 1990 to 22nd April, 1990 or till the appointment of the new Chairman and Chief Executive Officer of the Bank, whichever is earlier.

[No. 15/1/90-B.O. III (i)]

का. आ. 648.—बैंककारी विनियमन अधिनियम 1949 (1949 का 10) की धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिशों पर, एतद्वारा घोषणा करती है कि उक्त अधिनियम की धारा 10-ब की उपधारा (9) के उपबन्ध यूनाइटेड बैंस्टर्न बैंक लि. पर 23 जनवरी, 1990 से 22 अप्रैल,

1990 तक यथाबा बैंक के नियमित अध्यक्ष की नियुक्ति होने तक, इनमें से जो भी पहले हो, उस सीमा तक लागू नहीं होंगे जहां तक बैंक में 3 महीने की अवधि के वास्ते अध्यक्ष एवं मुख्य कार्यपालक अधिकारी का कार्य करने के लिए किसी व्यक्ति को नियुक्त करने की छूट प्राप्त है।

[सं. 15/1/90-बी.ओ.-III(ii)]

प्राण नाथ, अवर सचिव

S.O. 648.—In Exercise of powers conferred by section 53 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government, on the recommendations of the Reserve Bank of India, hereby declares that the provisions of sub-section (9) of section 10-B of the said Act shall not, to the extent they preclude the bank from appointing a person to carry out the duties of the Chairman and Chief Executive Officer, apply to the United Western Bank Ltd., for a period of three months from 23rd January, 1990 to 22nd April, 1990 or till the appointment of the New Chairman and Chief Executive Officer of the Bank, whichever is earlier.

[No. 15/1/90-B.O. III (ii)]
PRAN NATH, Under Secy.

नई दिल्ली, 22 फरवरी, 1990

का. आ. 649.—औद्योगिक वित्त नियम अधिनियम, 1948 (1948 का 15) की धारा 5 द्वारा शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा भारतीय औद्योगिक वित्त नियम द्वारा जारी की जाने वाली पञ्चीस करोड़ रुपए की अतिरिक्त शेयर पूँजी पर केन्द्रीय सरकार द्वारा गारंटीशुदा वार्षिक लाभांश की न्यूनतम दर 6 प्रतिशत निर्धारित करती है।

[फाइल सं. 6(3)/बी.वि. I/89]
बी.पी. भारद्वाज, अवर सचिव

New Delhi, the 22nd February, 1990

S.O. 649.—In exercise of the powers conferred by Section 5 of the Industrial Finance Corporation Act, 1948 (15 of 1948), the Central Government hereby fixes the minimum rate of annual dividend guaranteed by the Central Government on the additional share capital of rupees twenty five crores to be issued by the Industrial Finance Corporation of India, at 6 per cent.

[F. No. 6 (3)/IF. I/89]
V. P. BHARDWAJ, Under Secy.

कार्यालय, मुख्य आयकर आयुक्त (प्रशासन)

कलकत्ता, 7 दिसंबर, 1989

का. आ. 650.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा और भारत सरकार के केन्द्रोप्रत्यक्ष कर बोर्ड, नई दिल्ली के अधीन जारी अधिसूचना सं. 8478 दिनांक 27-10-39 फा. सं. 279/121/69/आई.टी.जे./एग्र.ओ. 868 (ई) और इसकी ओर से मुझे प्रदान करने वाली अन्य शक्तियों का प्रयोग करते हुए और इस बारे में पूर्व अधिसूचनाओं को अधिकरण करते हुए, मैं अधिकरण के पूर्व की गई कार्यों अथवा करने के लिये छोड़ दिये गये को छोड़कर, मैं मुख्य आयकर आयुक्त (प्रशासन), करक्ता एतद्वारा निर्देश देता हूँ कि, आयकर अधिनियम 1961 की धारा 246 की उप-

धारा (2) के खंड (ए) से (एच) तक, धनकर अधिनियम, 1957 (1957 का 27) की धारा 23 की उपधारा (ए) से (ई) तक और दानकर अधिनियम, 1958 (1958 का 18) की धारा 22 की उपधारा (आई-ए) के खंड (ए) से (ई) तक, कम्पनी (नाम) अतिकर अधिनियम, 1984 (1984 का 7) की धारा 11 के उपधारा (1), सूदकर अधिनियम, 1974 (1974 का 45) की धारा 15 की उपधारा (1), व्यवहार अधिनियम, 1987 (1987 का 35) की धारा 22 का उपधारा (1) में वर्णित आदेशों के अनुसार स्तम्भ 3 में विनिर्दिष्ट आयकर प्राधिकारियों/निधरिण अधिकारियों द्वारा आयकर या धनकर या दानकर या अति-कर या सूदकर या व्यय कर देने वाले प्रसंसुप्त निधरितियों के संबंध में, संतरन अनुसूची के स्तम्भ 2 में उल्लिखित आयकर आपका (अपील) प्रपता कार्य करें।

2. जहाँ एक आयकर सर्कल, वार्ड, या विशेष रेंज या उनके अंश, इस अधिसूचना के अनुसार एक रेंज से दूसरे रेंज में स्थानांतरण किये गये हों, इस अधिसूचना के जारी होने के शीघ्र पहले आ.आ. (अपील) के समीप उन आयकर वार्ड, सर्कल, विशेष रेंज अथवा उनके अंश में हुई निर्धारण संबंधी अपील लम्बित हों और इस अधिसूचना के प्रभावशाली होने की तिथि से उन आयकर वार्ड, सर्कल, विशेष रेंज अथवा उसके अंश स्थानांतरित किये गए हैं।

3. यह अधिसूचना दिनांक 1-11-1989 से लाग होगा।

[सं. आ.आ./मरुद्य/समन्वय/30/88-89]

[सं. 16/89-90]

मुख्य आयकर आगुक्त (प्रशासन), कलकत्ता के अधीन कार्यरत, आयकर आगुक्त (अपोज), के खोदाधिकार की प्राप्ति सची :

अम मं.	आयकर आयुक्त (अपीन) के पदनाम, मुख्यालय सहित	क्षेत्राधिकार
1	2	3

1. आयकर आयुक्त (प्रपोल)-I, कलकत्ता निम्नतिवित के अधीन सभी निधारण अधिकारी जो अनुसंधान सर्कार, सर्कल और वार्ड में कार्यरत हैं।
 - (क) आयकर उपायुक्त, रेंज-7, कलकत्ता।
 - (ख) आयकर उपायुक्त, जलपाई-गुड़ी रेंज, जलपाईगुड़ी
 - (क) आयकर उपायुक्त, विशेष रेंज-3, कलकत्ता और आयकर उपायुक्त विशेष रेंज-3 के अधीन सभी निधारण अधिकारी।
2. आयकर आयुक्त (प्रपोल)-II, कलकत्ता

(x) आयकर उपायुक्त विशेष रेंज-13, कलकत्ता और आयकर उपायुक्त विशेष रेंज, कलकत्ता के अधीनस्थ सभी निर्धारण अधिकारी।

(ग) आयकर उपायुक्त, विशेष रेंज-16, कलकत्ता और आयकर उपायुक्त विशेष रेंज-16 के अधीनस्थ सभी निर्धारण अधिकारी।

(घ) आयकर उपायुक्त रेंज-2 के अधीन कार्यरत सभी निर्धारण अधिकारी जो अनुसंधान सर्कार, मर्केल और वार्ड संभाले हुए हैं।

3. आयकर आयुक्त, (अपील)-III, कलकत्ता

(क) आयकर उपायुक्त, विशेष रेंज-2 कलकत्ता और आयकर उपायुक्त विशेष रेंज-2 के अधीनस्थ सभी निर्धारण अधिकारी।

(ख) आयकर उपायुक्त विशेष रेंज-10, कलकत्ता और आयकर उपायुक्त विशेष रेंज-10 के अधीनस्थ सभी निर्धारण अधिकारी।

(ग) आयकर उपायुक्त विशेष रेंज-1, कलकत्ता और आयकर उपायुक्त विशेष रेंज-1 कलकत्ता के अधीन सभी निर्धारण अधिकारी।

4. आयकर आयुक्त (अपील)-10, कलकत्ता

(क) आयकर उपायुक्त विशेष रेंज-7, कलकत्ता और आयकर उपायुक्त विशेष रेंज-7 के अधीनस्थ सभी निर्धारण अधिकारी।

(ख) आयकर उपायुक्त विशेष रेंज-13, कलकत्ता के अधीनस्थ कार्यरत सभी निर्धारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं।

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(ब) आयकर उपायुक्त, विशेष रेंज-II, कलकत्ता और आयकर उपायुक्त, विशेष रेंज-II, कलकत्ता के अधीनस्थ सभी निधारण अधिकारी

(द) आयकर उपायुक्त विशेष रेंज-8, कलकत्ता और आयकर उपायुक्त विशेष रेंज-8, कलकत्ता के अधीनस्थ सभी निधारण अधिकारी।

(ज) आयकर उपायुक्त, रेंज-8, कलकत्ता के अधीन कार्यरत सभी निधारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं।

5. आयकर उपायुक्त
(भूपील)-13,
कलकत्ता

(क) आयकर उपायुक्त विशेष रेंज-15, कलकत्ता और आयकर उपायुक्त विशेष रेंज-15 के अधीनस्थ कार्यरत सभी निधारण अधिकारी।

(ख) आयकर उपायुक्त विशेष रेंज-6, कलकत्ता और आयकर उपायुक्त विशेष रेंज-6, कलकत्ता के अधीनस्थ कार्यरत सभी निधारण अधिकारी।

(ग) आयकर उपायुक्त, रेंज-4, कलकत्ता के अधीनस्थ कार्यरत सभी निधारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं।

(ए) आयकर उपायुक्त, रेंज-19, कलकत्ता के अधीन कार्यरत सभी निधारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं। एवं

(1) हुगली
(2) मिदनापुर, और
(3) हल्दिया में तैनात अधिकारी समेत।

OFFICE OF THE CHIEF COMMISSIONER OF INCOME TAX (ADMINISTRATION).

Calcutta, the 7th December, 1989

S.O. 650.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961), and in exercise of powers conferred on me by the Central Board of Direct Taxes, New Delhi, vide its Notification No. 8478 in F. No. 279/121/89[IT] S.O. 868(E) dated 27-10-89, and all other powers enabling me in this behalf and, in supersession of all earlier Notifications made in this behalf, except in respect of things done or omitted to be done before such supersession, I, the Chief Commissioner of Income-tax (Administration), Calcutta, hereby direct that the Commissioners of Income-tax (Appeals) specified in column 2 of the Schedule attached hereto, shall perform their functions in respect of such persons assessed to Income-tax or Wealth Tax or Gift Tax or Surtax or Interest Tax or Expenditure Tax by the Income-tax Authorities/Assessing Officers specified in column 3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of sub-section (2) of Section 246 of the Income-tax Act, 1961, clauses (a) to (e) of sub-section (1A) of Section 23 of the Wealth Tax Act, 1957 (27 of 1957) clauses (a) to (e) of sub-section (1A) of Section 22 of the Gift Tax Act, 1958 (18 of 1958), sub-section (1) of Section 11 of the Companies (Profit) Sur-tax Act, 1984 (7 of 1984), sub-section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974), and sub-section (1) of Section 22 of the Expenditure Tax Act, 1987 (35 of 1987).

2. Where an Income-tax Circle, Ward or Special Range or part thereof stands transferred by this Notification from one charge to another, appeals arising out of the assessments made in this Income-tax Ward/Circle/Special Range or part thereof and pending immediately before the date from which this Notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that Income-tax Ward/Circle/Special Range or part thereof is transferred shall, from the date from which this Notification takes effect, be transferred to and dealt with by the Commissioners of Income-tax (Appeals) to whom the said Ward/Circle/Special Range or part thereof is transferred.

3. This notification takes effect from 1-11-1989.

[No. 16/89190]No. ITO/HQ/CO-ORD/30/88-89]

SCHEDULE OF JURISDICTION OF COMMISSIONERS OF INCOME TAX (APPEALS) FUNCTIONING UNDER
CHIEF COMMISSIONER OF INCOME TAX (ADMINISTRATION), CALCUTTA

Sl. Designation of Commissioner of Income-tax
No. (Appeals) with Hqrs.

Jurisdiction.

(1)	(2)	(3)
1. Commissioner of Income-tax (Appeals)-1, Calcutta.	All assessing officers holding Investigation Circles, Circles and Wards, functioning under :	

(a) Deputy Commissioner of Income tax, Range-7, Calcutta.
(b) Deputy Commissioner of Income tax, Jalpaiguri Range, Jalpaiguri.

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2. Commissioner of Income-tax (Appeals)-II, Calcutta.

- (a) Deputy Commissioner of Income-tax, Special Range-3, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-3, Calcutta.
- (b) Deputy Commissioner of Income-tax, Special Range-13, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-13, Calcutta.
- (c) Deputy Commissioner of Income-tax, Special Range-16, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-16, Calcutta.
- (d) All assessing officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-2, Calcutta.

3. Commissioner of Income-tax (Appeals)-III, Calcutta.

- (a) Deputy Commissioner of Income-tax, Special Range-2, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-2, Calcutta.
- (b) Deputy Commissioner of Income-tax, Special Range-10, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-10, Calcutta.
- (c) Deputy Commissioner of Income-tax Special Range-12, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax Special Range-12, Calcutta.

4. Commissioner of Income-tax (Appeals)-X, Calcutta.

- (a) Deputy Commissioner of Income-tax, Special Range-1, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-1, Calcutta.
- (b) Deputy Commissioner of Income-tax, Special Range-7, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-7, Calcutta.
- (c) All assessing officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-13, Calcutta.
- (d) Deputy Commissioner of Income-tax Special Range-11, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-11, Calcutta.
- (e) Deputy Commissioner of Income-tax, Special Range-8 Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-8, Calcutta.
- (f) All assessing Officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-8, Calcutta.

5. Commissioner of Income-tax (Appeals)-XIII, Calcutta.

- (a) Deputy Commissioner of Income-tax, Special Range-15, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-15, Calcutta.
- (b) Deputy Commissioner of Income-tax, Special Range-6, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-6, Calcutta.
- (c) All assessing officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-4, Calcutta.
- (d) All assessing officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-19, Calcutta including officers stationed at :
 - (i) Hooghly,
 - (ii) Midnapore and
 - (iii) Haldia.

का. आ. 651.—आयकर अधिनियम, 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा और भारत सरकार ने प्रत्यक्षकर बोर्ड, नई दिल्ली के अधीन जारी अधिसूचना सं. 9478 दिनांक 27-10-1989, फा.सं. 279 121/89/आई.टी. जे. एस. ओ. 868 (ई) और इसकी ओर से मुक्ते अन्य शक्तियां प्रदान करने वाली शक्तियों का प्रयोग करते हुए और इस बात में पूर्व अधिसूचनाओं को अधिक्रमण करते हुए ऐसे अधिक्रमण के पूर्व की गई कार्यों अथवा करने के लिये छोड़ दिये गये को छोड़कर मूल्य आयकर आयुक्त (तकनीकी) 1 कलकत्ता एतद्वारा निर्देश देता हूँ कि:—

आयकर अधिनियम, 1957 (1957 का 27) की धारा 23 की उपधारा (ए) से (ई) तक, और वानकर अधिनियम, 1958 (1958 का 18) की धारा 22 की उपधारा (आई ए) के खण्ड (ए) से (ई) तक, कम्पनी (लाभ अतिकर) अधिनियम, 1984 (1984 का 7) की धारा 11 के उपधारा (1), सूदकर अधिनियम, 1974 (1974 का 45) को धारा 15 की उपधारा (1), व्ययकर अधिनियम, 1987 (1987 का 35) की धारा 22 की उपधारा (1) में वर्णित आदेशों के अनुसार स्तंभ 3 में विनिर्दिष्ट आयकर प्राधिकारियों व निर्धारण अधिकारियों द्वारा आयकर द्वारा आयकर या धनकर या दानकर या अतिकर या सूदकर या व्ययकर देने वाले असंतुष्ट निर्धारितियों के संबंध में संलग्न अनुमूली के स्तंभ 2 में उल्लिखित आयकर आयुक्त (अपील) अपना कार्य करेंगे।

2. जहां एक आयकर सर्कल वार्ड या विशेष रेज या उनके अंश, इस अधिसूचना के अनुसार एक रेज से दूसरे रेज में स्थानांतरण हो गये हों, इस अधिसूचना के जारी होने के शीघ्र पहले आ.ज. (अपील) के समीप उन आयकर वार्ड, सर्कल विशेष रेज अथवा उनके अंश में हुई निर्धारण संबंधी अपील लम्बित हों, और अधिसूचना के प्रभावशाली होने की तिथि से उस आयकर वार्ड, सर्कल, विशेष रेज अथवा उससे अंश स्थानांतरित किये गये हैं।

3. यह अधिसूचना दिनांक 1-11-1989 से लागू होगी।

[सं. 17/89-90/सं. आ. अ./मुख्या/समन्वय/30/88-89]

मूल्य आयकर आयुक्त (तकनीकी) 1 कलकत्ता के अधीन कार्यरत आयकर आयुक्त (अपील) के अधिकारी को अनुपूर्वों

अम सं. आयकर आयुक्त (अपील) के पदनाम, मुख्यालय संक्षिप्त		क्षेत्राधिकार
1	2	3
1. आयकर आयुक्त (अपील) 4 कलकत्ता	(क) आयकर उपायुक्त विशेष रेज-4, कलकत्ता और आयकर उपायुक्त विशेष रेज-4, कलकत्ता के अधीन सभी निर्धारण अधिकारी।	
	(ख) आयकर उपायुक्त विशेष रेज-11, कलकत्ता और आयकर उपायुक्त विशेष रेज-14 के अधीन सभी निर्धारण अधिकारी।	
	(ग) आयकर उपायुक्त विशेष रेज-17 और आयकर उपायुक्त विशेष रेज-17 के अधीन सभी निर्धारण अधिकारी।	
	(घ) आयकर उपायुक्त रेज-12 के अधीन कार्यरत सभी निर्धारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं।	
2. आयकर आयुक्त (अपील) 5 कलकत्ता	(क) आयकर उपायुक्त, विशेष रेज-5, कलकत्ता और आयकर उपायुक्त विशेष रेज-5 कलकत्ता के अधीन सभी निर्धारण अधिकारी।	
	(ख) आयकर उपायुक्त रेज-18 कलकत्ता के अधीन कार्यरत सभी निर्धारित अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं।	
3. आयकर आयुक्त (अपील) 6 कलकत्ता	निम्नलिखित के अधीन कार्यरत सभी निर्धारण अधिकारों जो अनुसंधान सर्कल; सर्कल और वार्ड संभाले हुए हैं:—	
	(क) आयकर उपायुक्त रेज-3 कलकत्ता,	

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(ख) आयकर उपायुक्त रेंज-9, कलकत्ता।

आयकर उपायुक्त, रेंज-5, कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी जो वार्ड 5 (11) में (16) तक संभाले हुए हैं।

4. आयकर आयुक्त (अपील)-11, कलकत्ता।

निम्नलिखित के अधीन कार्यरत सभी निर्धारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं :—

(क) आयकर उपायुक्त रेंज-14, कलकत्ता।

(ख) आयकर उपायुक्त विशेष रेंज-9 कलकत्ता और आयकर उपायुक्त विशेष रेंज-9, कलकत्ता के अधीन सभी निर्धारण अधिकारी।

(क) आयकर उपायुक्त विशेष रेंज-9 कलकत्ता और आयकर उपायुक्त विशेष रेंज-9 के अधीन सभी निर्धारण अधिकारी।

(ख) आयकर उपायुक्त विशेष रेंज-10 कलकत्ता के अधीन कार्यरत सभी निर्धारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं।

(7 of 1984) sub-section (1) of Section 15 of the Interest Tax Act, 1974 (43 of 1974) and sub-section (1) of Section 22 of the Expenditure Tax Act, 1978 (35 of 1987).

2. Where an Income-tax Circle, Ward or Special Range or part thereof stands transferred by this Notification from one charge to another, appeals arising out of assessments made in this Income-tax Ward|Circle|Special Range or part thereof and pending immediately before the date from which this Notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that Income-tax Ward|Circle|Special Range or part thereof is transferred shall, from the date from which this Notification takes effect, be transferred to and dealt with by the Commissioners of Income-tax (Appeals) to whom the said Ward|Circle|Special Range or thereof is transferred.

3. This notification takes effect from 1-11-1989.

(Tech.) I

[No. 17/89-90|No. ITO|HQ|CO-ORD|30/88-89]

SCHEDULE OF JURISDICTION OF COMMISSIONERS OF INCOME TAX (APPEALS) FUNCTIONING UNDER CHIEF COMMISSIONER OF INCOME TAX (TECHNICAL)-I, CALCUTTA

Sl. Designation of Commissioner of Income-tax
No. (Appeals) with headquarters.

Jurisdiction

1	2	3
1. Commissioner of Income-tax (Appeals)-IV, Calcutta.		
		(a) Deputy Commissioner of Income-tax, Special Range-4, Calcutta and all assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-4, Calcutta.
		(b) Deputy Commissioner of Income-tax, Special Range-14, Calcutta and all assessing Officers subordinate to Deputy Commissioner of Income-tax, Special Range-14, Calcutta.
		(c) Deputy Commissioner of Income-tax, Special Range-17, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-17, Calcutta.
		(d) All assessing officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-12, Calcutta.

1	2	3
2. Commissioner of Income-tax (Appals)-V, Calcutta.		(a) Deputy Commissioner of Income-tax, Special Range-5, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-5, Calcutta. (b) All assessing officers holding Investigation Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-18, Calcutta.
3. Commissioner of Income-tax (Appals)-VI, Calcutta.		All assessing officers holding Investigation Circles, Circles and wards functioning under :— (a) Deputy Commissioner of Income-tax, Range-3, Calcutta. (b) Deputy Commissioner of Income-tax, Range-9, Calcutta.
4. Commissioner of Income-tax (Appals)-XI Calcutta.		All assessing officers holding Wards-5(1) to 5(16) functioning under Deputy Commissioner of Income-tax, Range-5, Calcutta.
5. Commissioner of Income-tax (Appals)-XIV, Calcutta.		All assessing officers holding Investigation Circles, Circles and Wards functioning under :— (a) Deputy Commissioner of Income-tax, Range-14, Calcutta. (b) Deputy Commissioner of Income-tax, Range-17, Calcutta, including assessing officer at Murshidabad and Nadia. (a) Deputy Commissioner of Income-tax, Special Range-9, Calcutta and all assessing officers subordinate to Deputy Commissioner of Income-tax, Special Range-9, Calcutta (b) All assessing officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax Range-16, Calcutta.

का. आ. 652.—आयकर अधिनियम 1961 (1961 का 43) की धारा 120 की उपधारा (1) और (2) द्वारा और भारत सरकार के प्रत्यक्ष बोर्ड, नईदिल्ली के अधीन जारी अधिसूचना सं.—8478 दिनांक 27-10-89 फा. सं. 279/121/89/ आई.टी.जे.एस.ओ. 868 (ई.) और इसकी ओर से मुझे प्रदान करने वाली आन्य शक्तियों का प्रयोग करते हुए और इस बारे में पूर्व अधिसूचनाओं को अधिक्रमण करते हुए, अथवा करने के लिए छोड़ दिये गये को छोड़कर भै, मुख्य आयकर आयुक्त (तकनीकी) —II, कलकत्ता एतद्वारा निदेश देता है कि—आयकर अधिनियम 1961 की धारा 246 की उपधारा (2) के खण्ड (ए) से (एच) तक, धनकर अधिनियम 1957 (1957 का 27) की धारा 23 की उपधारा (ए) से (ई) तक, और दानकर अधिनियम 1958 (1958 का 18) की धारा 22 की उपधारा (आई ए) के खण्ड (ए) से (ई) तक, कम्पनी (लाभ) अंतिकर अधिनियम 1984 (1984 का 7) की धारा 11 के उपधारा (1) सूदकर अधिनियम 1974 (1974 का 45) की धारा 15 की उपधारा (1) व्ययकर अधिनियम 1987 (1987 का 35) की धारा 22 की उपधारा (1) में वर्णित आदेशों के अनुसार संबंध 3 में विनिर्दिष्ट आयकर प्राधिकारियों/निधारिण अधिकारियों द्वारा आयकर या धनकर या दानकर या अंतिकर सूदकर या व्ययकर देने वाले असंतुष्ट निर्धारितियों के संबंध में संलग्न अनुसूची के संबंध 2 में उल्लिखित आयुक्त आयकर (अपील), अपना कार्य करें।

2. जहां एक आयकर सर्कल, वार्ड, विशेष रेंज या उनके अंश इस अधिसूचना के अनुसार एक रेंज में स्थानांतरण हो गये हों इस अधिसूचना के जारी होने के शीघ्र पहले आ.आ. (अपील) के समीप उन आयकर वार्ड, सर्कल विशेष रेंज अथवा अंश में हुई निधारिण संबंधी अपील लम्बित हों और इस अधिसूचना के प्रभावशाली होने की तिथि से उन आयकर वार्ड, सर्कल विशेष रेंज अथवा उसके अंश स्थानांतरित किये गए हैं।

[सं. 18/89-90/सं.आ.आ./मुख्य/समवन्य/30/88-89]

ए. के. धोप, मुख्य आयकर आयुक्त
(तकनीकी)-II

मुख्य आयकर आयुक्त (तकनीकी)-II कलकत्ता के अधीन कार्यरत आयकर आयुक्त (अपील) के धोत्राधिकार की अनुसूची

क्रम सं. आयकर आयुक्त (अपील)
के पद नाम मुख्यालय सहित

धोत्राधिकार

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1. आयकर आयुक्त (अपील)-II, कलकत्ता

आयकर उपायुक्त, रेंज-1 कलकत्ता के अधीन कार्यरत सभी निधारिण अधिकारी, जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं।

1 2

2. आयकर आयुक्त (अपील)---III, कलकत्ता

3. आयकर आयुक्त (अपील)-9, कलकत्ता

4. आयकर आयुक्त (अपील)-12, कलकत्ता

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निम्नलिखित के अधीन कार्यरत सभी निधारण अधिकारी जो अनुसंधान सर्कल, सर्कल अंदर वार्ड संभाले हुए हैं।

(क) आयकर उपायुक्त रेज-10, कलकत्ता
(ख) आयकर उपायुक्त रेज-15, कलकत्ता

निम्नलिखित के अधीन कार्यरत सभी निधारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं।

(क) आयकर उपायुक्त, रेज-5, कलकत्ता
(ख) आयकर उपायुक्त रेज-11, कलकत्ता
(ग) आयकर उपायुक्त रेज-20, कलकत्ता
(घ) आयकर उपायुक्त रेज-21, कलकत्ता आयकर निदेशक (अनुसंधान) आ. क. एस्ट कलकत्ता के प्रशासनिक नियंत्रण के अधीन सभी निधारण अधिकारी।

वार्ड 5 (11) के 5 (16) छोड़कर, आयकर उपायुक्त रेज-5, कलकत्ता के अधीन कार्यरत सभी निधारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं। आयकर उपायुक्त आसनसोल रेज आसनसोल के अधीन कार्यरत सभी निधारण अधिकारी जो अनुसंधान सर्कल, सर्कल और वार्ड संभाले हुए हैं एवं

(1) आसनसोल
(2) दुर्गापुर
(3) वर्द्धान
(4) सुरी
(5) बंकुरा और
(6) पुरुलिया में तैनात अधिकारी समेत।

S.O. 652.—In exercise of powers conferred by sub-section (1) and (2) of Section 120 of the Income-tax Act, 1961 (43 of 1961) and in exercise of powers conferred on me by the Central Board of Direct Taxes, New Delhi, vide its Notification No. 8478 in F. No. 279/121/89/IT/S.O. 868(E) dtated 27-10-89, and all other powers enabling me in this behalf and in supersession of all earlier Notifications made in this behalf, except in respect of things done, or omitted to be done before such supersession, I, the Chief Commissioner of Income-tax, (Technical)-II, Calcutta, hereby direct that the Commissioners of Income-tax (Appeals) specified in column 2 of the Schedule attached hereto, shall perform their functions in respect of such persons assessed to Income-tax or Wealth Tax or Gift Tax or Sur Tax or Interest Tax or Expenditure Tax by the Income Tax Authorities/Assessing Officers specified in column 3 thereof as are aggrieved by any orders mentioned in clauses (a) to (h) of sub-section (2) of Sec. 246 of the Income-tax Act, 1961, clauses (a) to (e) of sub-section (1A) of Section 23 of the Wealth Tax Act, 1957 (27 of 1957), clauses (a) to (e) of sub-section (1A) of Section 22 of the Gift Tax Act, 1958 (18 of 1958) sub-section (1) of Section 11 of the Companies (Profit) Sur-tax Act, 1984 (7 of 1984), sub-

section (1) of Section 15 of the Interest Tax Act, 1974 (45 of 1974), and sub-section (1) of Section 22 of the Expenditure Tax Act, 1987 (35 of 1987).

2. Where an Income-tax Circle, Ward or Special Range or part thereof stands transferred by this notification from one charge to another appeals arising out of assessments made in this Income-tax Ward|Circle|Special Range or part thereof and pending immediately before the date from which this Notification takes effect, before the Commissioner of Income-tax (Appeals) from whose charge that Income-tax Ward|Circle|Special Range or part thereof is transferred shall, from the date from which this Notification takes effect, be transferred to and dealt with the Commissioners of Income-tax (Appeals) to whom the said Ward|Circle|Special Range or part thereof is transferred.

3. This Notification takes effect from 1-11-1989.

[No. 18/89-90/No. ITO/HQ/CO-ORD/30/88-89]

A. K. GHOSH, Chief Commissioner of Income Tax
(Tech.)-II.

SCHEDULE OF JURISDICTION OF COMMISSIONERS OF INCOME TAX (APPEALS) FUNCTIONING UNDER CHIEF COMMISSIONER OF INCOME TAX (TECHNICAL)-II CALCUTTA.

Sl. No	Designation of Commissioner of Income-tax (Appeals) with headquarters.	Jurisdiction
1	2	
1.	Commissioner of Income-tax (Appeals)-VII, Calcutta.	All assessing officers holding Investigation Circles, Circles and Wards, functioning under Deputy Commissioner of Income-tax, Range A, Calcutta.

1	2	3
2. Commissioner of Income-tax (Appeals)-VIII, Calcutta.	All assessing officers holding Investigation Circles, Circles and Wards, functioning under :	
3. Commissioner of Income-tax, (Appeals)-IX, Calcutta.	(a) Deputy Commissioner of Income-tax, Range-10, Calcutta. (b) Deputy Commissioner of Income-tax, Range-15, Calcutta.	All assessing officers holding Investigation Circles and Wards, functioning under :
Commissioner of Income-tax (Appeals) XII, Calcutta.	(a) Deputy Commissioner of Income-tax, Range-5, Calcutta. (b) Deputy Commissioner of Income-tax, Range-11, Calcutta. (c) Deputy Commissioner of Income-tax, Range-20, Calcutta. (d) Deputy Commissioner of Income-tax, Range-21, Calcutta.	All the assessing officers under administrative control of the Director of Income-tax (I.T. exemption) Calcutta.
	All assessing officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Range-5, Calcutta, excluding Wards 5(1) to 5(16), Calcutta.	All assessing officers holding Investigation Circles, Circles and Wards functioning under Deputy Commissioner of Income-tax, Asansol Range, Asansol stationed at (i) Asansol, (ii) Durgapur, (iii) Burdwan, (iv) Suri, (v) Bankua and (vi) Purulia.

वाणिज्य मंत्रालय

नई दिल्ली, 2 जनवरी, 1990

का. आ. 653.—ट्रेड फेयर अधारिटी आफ इंडिया के संस्थागत अन्तर्नियमों के अनुच्छेद 59 के तहत प्रकृत्त शक्तियों का प्रयोग करते हुए राष्ट्रपति दिनांक 1 जनवरी, 1990 से ट्रेड फेयर अधारिटी आफ इंडिया के अध्यक्ष पद से श्री एन. एन. वर्मा का त्यागपत्र स्वीकार करते हैं।

[सं. 1 (2)/80 दी० एफ०]

MINISTRY OF COMMERCE

New Delhi, the 2nd January, 1990

S.O. 653.—In exercise of the powers conferred under Article 59 of the Articles of Association of the Trade Fair Authority of India, the President is pleased to accept the resignation of Shri A. N. Varma as Chairman of the Trade Authority of India with effect from 1st January, 1990.

[No. 1(2)/80-TF.]

का. आ. 654.—राष्ट्रपति वाणिज्य मंत्रालय में सचिव श्री एस. पी. शुक्ला को, दिनांक 1 जनवरी, 1990 में उनके मौजूदा कार्यों के साथ-साथ ट्रेड फेयर अधारिटी आफ इंडिया, नई दिल्ली अध्यक्ष के पद पर भी नियुक्त करते हैं।

[सं. 1 (2)/80 दी० एफ०]
एम.सी. जयरमन, संयुक्त सचिव

S.O. 654.—The President is pleased to appoint Shri S. P. Shukla, Secretary, Ministry of Commerce as Chairman of the Trade Fair Authority of India, New Delhi in addition to his existing duties with effect from 1st January, 1990.

[No. 1(2)/80-TF]
M. C. JAYARAMAN, Jt. Secy.

नई दिल्ली, 17 मार्च, 1990

का. आ. 655.—निर्यात (क) लिटी नियंत्रण और निरीक्षण अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, मैसर्स नेशनल एल्यूमिनियम कंपनी लिमिटेड (भारत सरकार का उद्यम) दामन जोड़ी 763008 उड़ीसा में विनिर्मित कैलसीड एल्यूमीना (एल्यूमिनियम ओक्साइड शीर्षक के अंतर्गत) का निर्यात से पूर्व निरीक्षण वरते के लिए मैसर्स नेशनल एल्यूमिनियम कंपनी लिमिटेड, को जिनका रजिस्ट्रीकृत कार्यालय दृड़को टाकर, आठवीं, मंजिल भूमनेश्वर-751007 उड़ीसा में है, 19 जनवरी, 1990 से तीन वर्ष की अवधि के लिए निम्न शर्तों के अधीन रहते हुए, अभिकरण के रूप में मान्यता देती है :—

1. मैसर्स नेशनल एल्यूमिनियम कंपनी लिमिटेड, दामन जोड़ी-763008, उड़ीसा में विनिर्मित कैलसीड एल्यूमीना (एल्यूमिनियम ओक्साइड योजना के अंतर्गत) का मैसर्स नेशनल एल्यूमिनियम कंपनी लिमिटेड, निर्यात से पूर्व निरीक्षण करेगी और यह ऐसे अधिकारी के तकनीकी नियंत्रण में किया जाएगा जो निर्यात निरीक्षण अभिकरण - कलकत्ता के अपर निदेशक के पद से कम का न हो और इस प्रोजेक्ट के लिए मैसर्स नेशनल एल्यूमिनियम कंपनी लिमिटेड, अपनी यूनिट मैसर्स नेशनल एल्यूमिनियम वर्षनी लिमिटेड, दामन जोड़ी-763008 उड़ीसा से निर्यात की गई वस्तुओं का पोत पर्यन्त निःशुल्क मूल्य (की आन बोर्ड) 0.1 प्रतिशत की दर से राशि निर्यात निरीक्षण अभिकरण - कलकत्ता को देगी, जो कि एक वर्ष में कम से कम दो हजार पाँच सौ रुपये और अधिक में अधिक एक लाख रुपये द्वारा होगी।

2. मैसर्स नेशनल एल्यूमिनियम कंपनी लिमिटेड इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे नियंत्रण

द्वारा आग्रह होगा जो निदेशक (तिरी. ए।
समय-प्राप्ति पर निवित स्पष्ट में दें।
[फाइल सं. 5 (5)/90 — ई आई एंड ई. पी.]

New Delhi, the 17th March, 1990

S.O. 655.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control & Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises M/s. National Aluminium Co. Ltd. having their registered office at IDCO Tower, 8th Floor, Bhubaneswar-751007, Orissa, as the Agency for a period of three years with effect from 19th January, 1990 for inspection of Calcined Alumina (under the heading of Aluminium Oxide) manufactured at M/s. National Aluminium Co. Ltd., (A Govt. of India Enterprise) Damanjodi-763008, Orissa prior to export subject to the following conditions namely :—

1. That M/s. National Aluminium Co. Ltd., shall carry out the inspection of Calcined Alumina (under the scheme of Aluminium Oxide) manufactured at M/s. National Aluminium Co. Ltd., Damanjodi-763008, Orissa prior to export under the technical control of an officer not below the rank of Additional Director of the Export Inspection Agency-Calcutta and for this purpose M/s. National Aluminium Co. Ltd., shall pay to the Export Inspection Agency-Calcutta an amount at the rate of 0.1 per cent of the f.o.b. (free on board) value of the items exported from their units at M/s. National Aluminium Co. Ltd., Damanjodi-763008, Orissa subject to a minimum of rupees two thousand five hundred and maximum of rupees one lakh in a year.
2. That M/s. National Aluminium Co. Ltd., in the performance of its functions under this notification shall be bound by such directions as the Director (Inspection & Quality Control) may give to it in writing from time to time.

[F. No. 3(51)CO-I&P]

का. आ. 656—द्वितीय सरकार, नियंति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पेस्ट कंट्रोल कैमिकल्स, कमर्शियल रोड, काकीनाडा-533007 को तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा, सींग तथा खुरों का नियंति से पूर्व धूम्रीकरण के लिए 11 मार्च, 1990 से एक वर्ष की अवधि के लिए इन शर्तों के अधीन मान्यता देती है कि उक्त अभिकरण तेल रहित चावल की भूसी के नियंति (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम (4) तथा हड्डियों का चूरा, सींग तथा खुरों के नियंति (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत धूम्रीकरण का प्रमाण-पत्र देने के लिए इन शर्तों के अधीन मान्यता देती है कि उक्त अभिकरण तेल रहित चावल की भूसी के नियंति (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम (4) तथा हड्डियों का चूरा, सींग तथा खुरों के नियंति (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत धूम्रीकरण का प्रमाण-पत्र देने के संबंध में नियंति निरीक्षण परियद द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइल सं. 5 (3)/86 — ई आई एंड ई. पी.]

S.O. 656.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year with effect from 18th February, 1990 M/s. Pest Mortem (India) Pvt. 31-4-8/1, Mekavari Street, Kakinada-533002 as an agency for the fumigation of (i) De-oiled Rice Bran and (ii) Crushed Bones, Horns and Hooves prior to their export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said agency in granting the certificate of fumigation under sub-rule (4) of rule 4 of the Export of De-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.

[File No. 5 (3)/86-EI&EP.]

का. आ. 657—केन्द्रीय सरकार, नियंति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स पेस्ट कंट्रोल कैमिकल्स, कमर्शियल रोड, काकीनाडा-533007 को तेल रहित चावल की भूसी और (ii) हड्डियों का चूरा, सींग तथा खुरों का नियंति से पूर्व धूम्रीकरण के लिए 11 मार्च, 1990 से एक वर्ष की अवधि के लिए इन शर्तों के अधीन मान्यता देती है कि उक्त अभिकरण तेल रहित चावल की भूसी के नियंति (निरीक्षण) नियम, 1966 के नियम 4 के उपनियम (4) तथा हड्डियों का चूरा, सींग तथा खुरों के नियंति (निरीक्षण) नियम, 1977 के नियम 5 के अन्तर्गत धूम्रीकरण का प्रमाण-पत्र देने के लिए उक्त अभिकरण द्वारा अपनाई गई पद्धति की जांच करने के संबंध में नियंति निरीक्षण परियद द्वारा मनोनीत किसी भी अधिकारी को पर्याप्त सुविधाएं देगा।

[फाइल सं. 5 (8)/88 — ई. आई. एंड ई. पी.]

पा. के. चौधरी, निदेशक

S.O. 657.—In exercise of the powers conferred by sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for a period of one year with effect from 11th March, 1990, M/s. Pest Control Chemicals, Commercial Road, Kakinada-533007 as an agency for the fumigation of Do-oiled Rice Bran and (ii) Crushed Bones, Horns and Hooves prior to their export subject to the condition that the said agency shall give adequate facilities to any officer nominated by the Export Inspection Council in this behalf to examine the method of fumigation followed by the said agency in granting the certificate of fumigation under sub-rule (4) of Rule 4 of the Export of Do-oiled Rice Bran (Inspection) Rules, 1966 and rule 5 of the Export of Crushed Bones, Horns and Hooves (Inspection) Rules, 1977.

[File No. 5 (8)/88-EI&EP.]

A. K. CHAUDHURI, Director

मन्त्र नियंत्रक, आयात नियंति का कार्यालय

आदेश

नई दिल्ली, 14 फरवरी, 1990

का. आ. 658—मै. इण्डो स्विस जेल्स लि. गोवा को मन्त्र विदेशी मुद्रा विनियम के अन्तर्गत पूंजीगत माल का आयात करने हेतु रु. 200431 (दो. लाख,

चार वो दक्षिण रथये मात) के विह 15-10-89 का एक आयात लाईसेंस रं. पी. सी. जी./2125642/सी/एक्स/प्रक्स/14/एच./89 सी जी/एल० एम. प्रदान गया था।

फर्म ने उपर्युक्त लाईसेंस की दूसरी प्रति जारी करने देते हुए इस आधार पर आवेदन किया है कि लाईसेंस की मूल प्रति खो गई है या गुम हो गई है। आपे यह भी कहा गया है कि लाईसेंस के किसी भी सीमाशुलक प्राधिकारी के पास पंजीकृत नहीं करवाया गया था और इसी कारण से उसके मूल्य का बिल्कुल भी उपायोग नहीं किया गया है।

2. अपने इस दावे के अनुसंधान में लाईसेंसधारी ने नोटरी पब्लिक बोर्डेंज डिविजन के समक्ष विधिवत् शपथ लेते हुए स्टाम्प पेपर पर एक हलफनामा भी प्रस्तुत किया है। तदनुसार मैं संतुष्ट हूँ कि 15-10-89 के आयात लाईसेंस सं. पी. सी. जी 2125642 की मूल प्रति फर्म से खो गई है या गुम हो गई है। यथासंशोधन 7-12-1955 की उपधारा 9 (गग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैं इष्टो स्विस ज्वेल्स लि., गोवा को जारी किए गए 15-10-89 के आयात लाईसेंस सं. पी. सी. जी/2125642 को एतद्वारा रद्द किया जाता है।

3. उक्त लाईसेंस की दूसरी प्रति पार्टी को अलग से जारी की जा रही है।

[स. सी. जी. 2/टीडीएफ/53/89-90]

वी. आर. अहीर, उप मुख्य नियंत्रक, आयात नियंत्रित

OFFICE OF THE CHIEF CONTROLLER OF IMPORTS
AND EXPORTS

ORDER

New Delhi, the 14th February, 1990

S.O. 658.—M/s. Indo Swiss Jewels Ltd., Goa were granted an import licence No. P/CG/2125642/C/XX/14/H/89/CGII/1 S. dated 15-10-89 for Rs. 2,00,431 (Rupees two lakhs four hundred and thirty one only) for import of capital goods under Free Foreign Exchange.

The firm has applied for issue of Duplicate copy of the above mentioned licence on the ground that the original copy of the licence has been lost or misplaced. It has further been stated that the licence was not registered with any Customs Authority and as such the value of licence has not been utilised at all.

2. In support of their contention, the licensee has filed an affidavit on stamped paper duly sworn in before a Notary Public Bardez Division. I am accordingly satisfied that the original copy of import licence No. P/CG/2125642 dated 15-10-89 has been lost or misplaced by the firm. In exercise of the powers conferred under sub-clause 9(cc) of the Import (Control) Order, 1955 dt. 7-12-1955 as amended the said original import licence No. P/CG/2125642 dt. 15-10-89 issued to M/s. Indo-Swiss Jewels Ltd., Goa is hereby cancelled.

3. A duplicate copy of the said licence is being issued to the party separately.

[No. CGII/TDF/53/89-90]

B. R. AHIR, Dy. Chief Controller of Imports and Exports

ऊर्जा मंत्रालय

(कोयला विभाग)

नई दिल्ली, 15 फरवरी, 1990

का.आ. 659—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि इसमें उपाबद्ध अनुसूची में वर्णित भूमि के कोयला अभिप्राप्त करने की संभावना है।

अतः अब केन्द्रीय सरकार, कोयला धारक धेन्न (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त भूमि में कोयला का पूर्वेक्षण करने के अपने आवाय की सूचना देती है।

इस अधिसूचना के अन्तर्गत आने वाले धेन्न के रेखांक सं. एस.ई.सी.एल.वी.एम.पी. : जी.एम. (परियोजना): भूमि 54 तारीख 15 नवम्बर, 1989 का निरीक्षण साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग), सीपत रोड, बिलासपुर-495001 के कार्यालय में या कलक्टर, बिलासपुर (मध्य प्रदेश) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में किया जा सकता है।

इस अधिसूचना के अन्तर्गत आने वाली भूमि के हितबद्ध सभी व्यक्ति, उक्त अधिनियम की धारा 13 की उपधारा (7) के निर्दिष्ट सभी नक्शों, चार्टों और अन्य दस्तावेजों को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से नव्वे दिन के भीतर उप मुख्य सम्पदा प्रबन्धक, साउथ ईस्टर्न कोलफील्ड्स लिमिटेड, सीपत मार्ग, बिलासपुर को परिदित करेंगे।

श्रान्तिसूची

राजगमर दूरस्थ उत्तर-विस्तार ब्लाक

कोरबा-कोयला क्षेत्र-जिला बिलासपुर (मध्य प्रदेश)

रेखांक सं. एल ई सी एल : बी एस पी : जी एल (परियोजना : भूमि : 54 दिनांक 15 नवम्बर, 1989

(पूर्वोक्त के लिए अधिसूचित भूमि दर्शनी वाली)

क्रम सं.	ग्राम	हल्का संख्यांक	तहसील	जिला	क्षेत्र हेक्टरों में	टिप्पणियाँ
1.	केसला	7	कोरबा	बिलासपुर	124.267	भाग
2.	गोरमा	7	कोरबा	बिलासपुर	321.191	भाग
3.	ठाकुरखेता	7	कोरबा	बिलासपुर	145.186	भाग
कुल योग			590.644 हेक्टर (लगभग)			
			या 1459.48 एकड़ (लगभग)			

सीमा वर्णन :

क-ख-ग

रेखा "क" बिन्दु से आरम्भ होती है और केसला ग्राम होकर जाती है, फिर भागतः केसला-गोरमा ग्रामों की उत्तरी सीमा के साथ जाती है और "ग" बिन्दु पर मिलती है।

ग-ख-क

रेखा ठाकुरखेता ग्राम के पूर्वी सीमा के साथ साथ जाती है, फिर गोरमा केसला ग्राम होकर जाती है और आरंभिक बिन्दु "क" पर मिलती है।

[सं 43015/27/89-एल.एस. इल्यू]

MINISTRY OF ENERGY

(Department of Coal)

New Delhi, the 15th February, 1990

S.O. 659.—Whereas it appears to the Central Government that coal is likely to be obtained from the lands mentioned in the Schedule hereto annexed;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby gives notice of its intention to prospect for coal therein.

The plan number SECL : BSP : GM(PROJ) : LAND : 54 dated the 15th November, 1989 of the area covered by this notification can be inspected at the office of the South Eastern Coalfields Limited (Revenue Section), Seepat Road, Bilaspur-495001 or at the office of the Collector Bilaspur (Madhya Pradesh) or at the office of the Coal Controller, 1 Council House Street, Calcutta.

All persons interested in the land covered by this notification shall deliver all maps, charts and other documents referred to in sub-section (7) of section 13 of the said Act to the Deputy Chief Estate Manager, South Eastern Coalfields Limited, Seepat Road, Bilaspur within ninety days from the date of publication of this notification in the Official Gazette.

SCHEDULE
RAJGAMAR FAR NORTH EXTENSION BLOCK
KORBA COALFIELD
DISTRICT-BILASPUR (MADHYA PRADESH)
Plan number SECL : BSP : GM (PRO) : LAND : 54
dated the 15th November, 1989.
(showing the land notified for prospecting)

Serial number	Village	Halka number	Tahsil	District	Area in hectares	Remarks
1.	Kesla	7	Korba	Bilaspur	124.267	Par
2.	Gorma	7	Korba	Bilaspur	321.191	Par
3.	Thakurkheta	7	Korba	Bilaspur	145.186	Full

TOTAL :

690.644 hectares (approximately)

OR

1459.48 acres (approximately).

Boundary description :—

A-B-C Line starts from point 'A' and proceeds through village Kesla then partly northern boundary of villages Kesla, Gorma and meets at point 'C'.

C-D-A Line proceeds along eastern boundary of Thakurkheta then through villages Gorma, Kesla and meets at the starting point 'A'.

का.प्रा.—— 660—केन्द्रीय सरकार ने, कोयला-धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन तारीख 24 दिसम्बर, 1988 के भारत के राजपत्र में प्रकाशित, भारत सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 3688, तारीख 28 नवम्बर, द्वारा उस अधिसूचना के उपांक अनुसूची में विनिदिष्ट परिधेव की भूमि और उसके अधिकारों का अर्जन करने के अपने आशय की सूचना दी थी,

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार में परामर्श करने के पश्चात् यह समाधान हो गया है कि :—

(क) इससे संलग्न अनुसूची “क” में वर्णित 287.57 हैक्टर (लगभग) या 710.61 एकड़ (लगभग) माप वाली भूमि का; और

(ख) इससे संलग्न अनुसूची “ख” में वर्णित 1082.35 हैक्टर (लगभग) या 2674.60 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य और उन्हें ले जाने के अधिकारों का अर्जन किया जाना चाहिए।

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि—

(क) उक्त अनुसूची “क” में वर्णित 287.57 हैक्टर (लगभग) या 710.61 एकड़ (लगभग) माप वाली भूमि का; और

(ख) उक्त अनुसूची “ख” में वर्णित 1082.35 हैक्टर (लगभग) या 2674.60 एकड़ (लगभग) माप वाली में खनिजों के खनन, बोर करने, उनकी खुदाई करने और तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकारों का, अर्जन किया जाता है।

इस अधिसूचना के अधीन आने वाले क्षेत्र के सं. सी-1(ई)/3/जे.आर./435-0689, तारीख 15-6-1989 वाले रेकॉर्ड का निरीक्षण कलक्टर, चन्द्रपुर (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस रुटीट, कलकत्ता के कार्यालय में या वेस्टर्न कोलकाता लिं. (राज्य अनुभाग) कोल एस्टेट, सिक्किं लाइन, नासपुर-440011 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची “क”

भटाडी प्लाट

चन्द्रपुर क्षेत्र

जिला चन्द्रपुर (महाराष्ट्र)

सभी अधिकार

क्र.सं.	ग्राम का नाम	पटवारी संकेत	सहसील	जिला	क्षेत्र हैक्टर में	टिप्पणी
1.	पेली भटाडी	12	चन्द्रपुर	चन्द्रपुर	124.96	भाग
2.	तिरवांजा चक	34	भटावती	चन्द्रपुर	58.02	भाग
3.	तिरवांजा मोकासा	34	भटावती	चन्द्रपुर	104.59	भाग

कुल क्षेत्र : 287.57 हैक्टर (लगभग)
या 710.61 एकड़ (लगभग)

पेली भटाडी ग्राम में अर्जित प्लाट संख्यांक :

5 भाग, 6 भाग, 21 भाग, 22 भाग, 23 भाग, 24, 40 से 44, 52 से 97, 100 भाग, 101 से 107, 108/1-108/2, 109 भाग, 133 से 136, 578 भाग, 581 भाग, 582 भाग, 583 भाग, मङ्क भाग।

तिरवांजा चक ग्राम में अर्जित प्लाट संख्यांक :

125 से 128, 129/1, 129/2, 130 से 134, 145/1, 146 से 149, 179 से 186, सङ्क भाग।

तिरवांजा मोकासा में अर्जित प्लाट संख्यांक :

49 से 51, 53, 70 से 73, 74/1, 74/2, 75 से 78, 79/1, 79/2, 80, 81, 82/1, 82/2, 83 से 98, 99/1, 99/2, 99/3, 99/4, 103, सङ्क भाग।

सीमा वर्णन :

क, क 1, क 2 : रेखा ईराई नदी के पश्चिमी तट के बिन्दु "क" से आरम्भ होती है और पैली भटाली ग्राम में प्लाट संख्यांक 583, 582, 581, 578, 5, 6, 22, 21, 23 से होकर गुजरती है तब प्लाट संख्यांक 24 की बाहरी सीमा के साथ-साथ आगे बढ़ती है और बिन्दु "क 2" पर मिलती है।

क 2, क 3, क 4 रेखा ग्राम पैली भटाली से होकर प्लाट संख्यांक 44, 43, 42, 41, 40, 71, 72, 73, 88 की बाहरी सीमा के साथ-साथ गुजरती है और बिन्दु "क 4" पर मिलती है।

क 4-क 5 रेखा तिरवांजा चक ग्राम से होकर प्लाट संख्यांक 186, 185, 128, 127, 125 के साथ-साथ गुजरती है, तब तिरवांजा मोकासा और तिरवांजा चक ग्रामों की सामान्य सीमा के साथ-साथ आगे बढ़ती है और बिन्दु "क 5" पर मिलती है।

क 5, क 6, क 7 रेखा ग्राम तिरवांजा मोकासा से होकर प्लाट सं. 103, 99/1, 70, 71, 72 की बाहरी सीमा के साथ जाती है प्लाट सं. 53, 51, 50, 49 की बाहरी सीमा के साथ-साथ सड़क को पार करती है तब ग्राम तिरवांजा चक में से होकर प्लाट सं. 148, 149 की बाहरी सीमा के साथ-साथ आगे बढ़ती है और बिन्दु "क 7" पर मिलती है।

क 7-क 8 रेखा ग्राम तिरवांजा चक से होकर प्लाट सं. 149, 148 की बाहरी सीमा के साथ-साथ जाती है और सड़क को पार करती है और बिन्दु "क 8" पर मिलती है।

क 8-क 9 रेखा ग्राम तिरवांजा चक से होकर भागतः सड़क की बाहरी सीमा प्लाट सं. 145/1, 46 माथ-साथ जाती है और तब ग्राम तिरवांजा चक और तिरवांजा मोकासा की सामान्य सीमा के साथ-साथ आगे बढ़ती है है और बिन्दु "क 9" पर मिलती है।

क 9-क 10 रेखा ग्राम तिरवांजा चक से होकर ग्राम सड़क की बाहरी सीमा के साथ-साथ जाती है तब ग्राम पैली भटाली से होकर भागतः प्लाट सं. 100 में सड़क की उत्तरी सीमा के साथ-साथ आगे बढ़ती है और तब प्लाट सं. 136, 135, 134 और 133 की बाहरी सीमा के साथ-साथ और तब प्लाट सं. 109 में आगे बढ़ती है और बिन्दु "क 10" पर मिलती है।

क-10-क 11 रेखा ग्राम पैली भटाली से होकर प्लाट सं. 108/1, 108/2, 52, 53, 57, 60, 44, 24, और 23 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "क 11" पर मिलती है।

क 11-क 12 "क" रेखा ग्राम पैली भटाली से होकर प्लाट सं. 22, 6, 5, 578, 581, 582, 583 की बाहरी सीमा के साथ-साथ जाती है और प्रारंभिक बिन्दु "क" पर मिलती है।

अनुसूची "द"

भटाली ब्लाक

चन्द्रपुर क्षेत्र

जिला चन्द्रपुर (महाराष्ट्र)

दलन अधिकार

क्र. ग्राम का नाम सं.	पट्टवारी मकाल सं.	तहसील	जिला	क्षेत्र हैक्टर में	टिप्पणी
				राजस्व	वन
1. पैली भटाली	12	चन्द्रपुर	चन्द्रपुर	186.44	80.33 भाग
2. तिरवांजा चक	31	भद्रावती	चन्द्रपुर	156.15	— भाग
3. तिरवांजा मोकासा	34	भद्रावती	चन्द्रपुर	84.40	— भाग
4. श्रवन्धा राय	34	भद्रावती	चन्द्रपुर	83.32	42.73 भाग
5. चन्द्रपुर प्रभाग वरोरा रेज	—	—	चन्द्रपुर	—	449.08 भाग
आरक्षित वन					
				कुल क्षेत्र (राजस्व)	510.31 (वन) 572.04
				कुल जोड़ :	1082.35 हैक्टर (लगभग) 2674.69 एकड़ (लगभग)
				या	

पैली भटाली ग्राम में अर्जित प्लाट संख्यांक: 1 से 4, 45 से 51, 98, 99, 100 भाग, 109 भाग, 131 भाग, 132, 137 से 140, 141 भाग, 142 भाग, 154 भाग, 155 भाग, 156 भाग, 157 भाग, 158, 159 भाग, 160, 161, 162 भाग, 163 से 165, 166 भाग, 167 भाग, 168 भाग, 169 से 180, 186 भाग, 180 भाग, 189 से 191, 192 भाग, 193 भाग, 197 भाग, 199 भाग, 250 भाग, 251 भाग, 252 भाग, 253, 254 भाग, 255, 256 भाग, 257 भाग, 258 से 262, 263 भाग, 264 भाग, 265 भाग, 266 भाग, 549 भाग, 550 भाग, 551 "क" भाग, 552, 553 भाग, 554 से 577, सड़क भाग, नदी, नाला प्राकृती।

तिरबांजा चक ग्राम में अर्जित प्लाट संख्यांक:

135 से 137, 138/1, 138/2, 138/3, 139 से 144, 145/2, 150 से 163, 164/1, 164/2, 164/3, 165 से 174, 175 (आवादी), 176, से 178, सड़क भाग।

तिरबांजा मोकासा ग्राम में अर्जित प्लाट संख्यांक:

9 भाग, 10 से 12, 13 भाग, 14 भाग, 15 से 18, 19/1, 19/2, 20 से 48, 52, 54 से 57, 58 भाग, 59 भाग, 60 भाग, नाला भाग, सड़क भाग।

अवन्धा राय ग्राम में अर्जित प्लाट संख्यांक:

54 भाग, 58 भाग, 59 भाग, 60 भाग, 61/1, भाग-61/2 भाग, 62 भाग, 63 से 65, 66 से 68, 69 भाग, 70/1-70/2 भाग, 71/1-71/2 भाग, 89 भाग, 90 भाग, 91/1 भाग-91/2 भाग, 92 भाग, 93 भाग, 94 से 99, 100/1-100/2 भाग, 101 भाग, 102 भाग, 103 भाग, 110/1-110/2 भाग, सड़क भाग, नाला (भाग)।

कम्पार्टमेंट सं. 203 चन्द्रपुर प्रभाग, बरोरा रेज आरक्षित वन में अर्जित कूप संख्यांक:

कूप संख्या 2 भाग, 3, 7, 8 (भाग), 9 भाग, 10, 20 भाग।

सीमा वर्णन :

ख-ख 1 रेखा बिन्दु "ख" से प्रारंभ होती है और ग्राम किताड़ी और पैली भटाली ग्राम की सामान्य सीमा के साथ-साथ जाती है और बिन्दु "ख 1" पर मिलती है।

ख 1-ख 2-ख 3 रेखा ग्राम पैली भटाली से होकर प्लाट संख्या 553, 550, 549, 55क, 109, 131, 141, 142, 154, 155, 156, 157, 159, 162, 166, 167, 168, सड़क, 186, 188, 193, 192, 197, 199, 251, 252, 250, 254, 256, 257, 264, 263, 265, 266 में जाती है और बिन्दु "ख 3" पर मिलती है।

ख 3-ख 4-ख 5 रेखा ग्राम दैली भटाली से होकर प्लाट संख्या 266 में जाती है तब बरोरा रेज के आरक्षित वन कूप संख्या 2, 9 और 8 से होकर आगे बढ़ती है और बिन्दु "ख 5" पर मिलती है।

ख 5-ख 6-ख 7 रेखा बरोरा रेज के आरक्षित वन के कूप संख्या 8, 7 की बाहरी सीमा के साथ-साथ जाती है और बिन्दु "ख 7" पर मिलती है।

ख 7-ख 8-क 6 रेखा बरोरा रेज के आरक्षित वन के भागत: कूप संख्या 20 से होकर जाती है और तब ग्राम अवन्धा राय में प्लाट संख्या 54, 60, 61/1, 61/2, 59, 58, 62, नाला, 70/1, 70/2, 71/1, 71/2, 69, 89, 90, 91/1, 91/2, 92, 93, 103, 101, 102, 100/1-100/2, 110/1, 110/2 में से होकर आगे बढ़ती है, तब तिरबांजा मोकासा के प्लाट संख्या 14, 13, नाला, 9 सड़क 58, 59, 60 से होकर आगे बढ़ती है और बिन्दु "क 6" पर मिलती है।

क 6-क 7-क 8-क 9 रेखा ग्राम तिरबांजा मोकासा से होकर प्लाट संख्या 60, सड़क (भाग), 54, 52, 53, 34, 45, 48, 47 की बाहरी सीमा के साथ-साथ जाती है तब ग्राम तिरबांजा चक से होकर प्लाट संख्या 150, 169, 170, 174, 175, 145/2, 141, 140, 135 की बाहरी सीमा के साथ-साथ आगे बढ़ती है और बिन्दु "क 9" पर मिलती है।

क 9-क 10 रेखा ग्राम तिरबांजा चक से होकर प्लाट संख्या 135, 136, 137, 138/1, 138/2, 138/3, 178 की बाहरी सीमा के साथ-साथ जाती है और तब ग्राम पैली भटाली से होकर प्लाट संख्या 98, 99, 100, 137, 138, 139, 132 की बाहरी सीमा के साथ-साथ आगे बढ़ती हुई प्लाट संख्या 109 में जाती है और बिन्दु "क 10" पर मिलती है।

क 10-क 11-क 12-ख रेखा ग्राम पैली भटाली से होकर सड़क (भागत): 51, 49, 48, 45, 2, 3, 4, आवादी, 576, 577, 572, 571, 570, 569 की बाहरी सीमा के साथ-साथ जाती है और प्रारंभिक बिन्दु "ख" पर मिलती है।

S.O. 660.—Whereas by the notification of the Government of India in the Ministry of Energy (Department of Coal) No. S.O. 3688 dated the 28th November, 1988, published in the Gazette of India dated 24th December, 1988, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) the Central Government gave notice of its intention to acquire the land and rights locality specified in the Schedule annexed to that notification;

And whereas the competent authority in pursuance of section 8 of the said Act made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that;

(a) the lands measuring 287.57 hectares (approximately) or 710.61 acres (approximately) described in Schedule 'A' appended hereto; and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 1082.35 hectares (approximately) or 2674.60 acres (approximately) described in Schedule 'B' appended hereto;

should be acquired.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that,

(a) the lands measuring 287.57 hectares (approximately) or 710.61 acres (approximately) described in the said Schedule 'A'; and

(b) the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 1082.35 hectares (approximately) or 2674.60 acres (approximately) described in the said Schedule 'B';

are hereby acquired.

The plan bearing No. C-1(E) III/JR/435-0689 dated 15-6-89 of the area covered by this notification be inspected in the office of the Collector, Chandrapur (Maharashtra) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Western Coalfields Limited (Revenue Section), Coal Estate, Civil Lines, Nagpur 440001 (Maharashtra).

SCHEDULE 'A'
BHATADI BLOCK
CHANDRAPUR AREA
DISTRICT CHANDRAPUR (MAHARASHTRA)

ALL RIGHTS		Patwari circle number	Tehsil	District	Area in hectares	Remarks
Serial	Name of village number					
1.	Pajli Bhatali	12	Chandrapur	Chandrapur	124.96	Part
2.	Tirwanja Chak	34	Bhadrapati	Chandrapur	58.02	Part
3.	Tirwanja Mokasa	34	Bhadrapati	Chandrapur	104.59	Part.
		TOTAL area :-		287.57	hectares (approximately)	
		OR		710.61 acres (approximately)		

Plot numbers acquired in village Pajli

5 Par., 6 Part, 21 Part, 22 Part, 23 Psrt, 24, 40 to 44, 51 to 97, 100 Part, 101 to 107, 108/1—108/2, 109 Part, 133 to 136, 578 Part, 481 Part, 582 Part, 583 Part, road part.

Plot numbers acquired in village Tirwanja Chak

125 to 128, 129/1, 120/2, 130 to 134, 145 1, 146 to 149, 170 to 186, road part

Plot numbers acquired in village Tirwanja Mokasa :

49 to 51, 53, 70 to 73, 74/1, 74/2, 75 to 78, 79/1, 79/2, 80, 81, 82/1, 82/2, 83, to 98, 99/1, 99/3, 99/2, 99/4, 103, road part.

Boundary description :

A-A1-A2 : Line starts from point 'A' of the Western bank of the River Eraj and passes through village Pajli Bhatali in plot numbers 583, 582, 581, 578, 5, 6, 22, 21, 23, then proceeds along the outer boundary of plot number 24 and meets at point 'A2'.

A2-A3-A4 : Line passes through village Pajli Bhatali along the outer boundary of plot numbers 44, 43, 42, 41, 40, 71, 72, 73, 88 and meets at point 'A4'.

A4-A5 : Line passes through village Tirwanja Chak along the outer boundary of plot numbers 186, 185, 128, 127, 125, then proceeds along the common boundary of villages Tirwanja Mokasa and Tirwanja Chak and meets at point 'A'.

A5-A6-A7 : Line passes through village Tirwanja Mokasa along the outer boundary of plot numbers 103, 99/1, 70, 71, 72, crosses the road, along the outer boundary of plot numbers 53, 51, 50, 49, the proceeds through village Tirwanja Chak along the outer boundary of plot numbers 148, 149 and meets at point 'A7'.

A7-A8 : Line passes through village Tirwanja Chak along the outer boundary of plot numbers 149, 148, crosses the road and meets at point 'A8'.

A8-A9 : Line passes through village Tirwanja Chak partly along the outer boundary of road— plot number 145/1, 146, then proceeds along the common boundary of villages Tirwanja Chak and Tirwanja Mokasa and meets at point 'A9'.

A9-A10 : Line passes through village Tirwanja Chak along the Northern boundary village road, then proceeds through village Pajli-Bhatali, partly along the Northern boundary of road, in plot number 100, then along the outer boundary of plot numbers 136, 135, 134 and 133, then in plot number 109 and meets at point 'A10'.

A10-A11 : Line passes through village Paili Bhatali along the outer boundary of plot numbers 108/1, 108/2, 52, 53, 57, 60, 44, 24 and 23 and meets at point 'A11'.

A11-A12-A : Line passes through village Paili Bhatali along the outer boundary of plot numbers 22, 6, 5, 578, 581, 582, 583 and meets at starting point 'A'.

SCHEDULE 'B'

BHATADI BLOCK

CHANDRAPUR AREA

DISTRICT CHANDRAPUR (MAHARASHTRA)

MINING RIGHTS

Serial number	Name of village	Patwari circle number	Tahsil	District	Area in hectares		Remarks
					Revenue	Forest	
1. Paili Bhatali	12	Chandrapur	Chandrapur	Chandrapur	186.44	80.23	Part
2. Tirwanja Chak	34	Bhadrawati	Chandrapur	Chandrapur	156.15	-	Part
3. Tirwanja Mokasa	34	Bhadrawati	Chandrapur	Chandrapur	84.40	-	Part
4. Awandha Ray	34	Bhadrawati	Chandrapur	Chandrapur	83.32	42.73	Part
5. Chandrapur Division	—	—	Chandrapur	Chandrapur	—	449.08	Part
Warora Range Reserve Forest							
TOTAL : Area					510.31	572.04	
(Revenue)						(Forest)	
GRAND TOTAL : 1082.35 hectares							
(approximately)							
OR							
2674.60 acres							
(approximately)							

Plot numbers acquired in village Paili Bhatali :

1 to 4, 45 to 51, 98, 99, 100 part, 109 part, 131 part, 132, 137 to 140, 141 part, 142 part, 154 part, 155 part, 156 part, 157 part, 158, 159 part, 160, 161 part, 162 part, 163 to 165, 166 part, 167 part, 168 part, 169 to 180, 186 part, 188 part, 189 to 191, 192 part, 193 part, 197 part, 199 part, 250 part, 251 part, 252 part, 253, 254 part, 255 256 part, 257 part, 258 to 262, 263 part, 264 part, 265 part, 266 part, 549 part, 550 part, 551 A part, 552, 553 part, 554 to 577, road part, river, nallah abadi.

Plot numbers acquired in village Tirwanja-Chak :

135 to 137, 138/1, 138/2, 138/3, 139 to 144, 145/2, 150 to 163, 164/1, 164/2, 164/3, 165 to 174, 175 (abadi) 176 to 178, road part.

Plot numbers acquired in village Tirwanja Mokasa :

9 part, 10 to 12, 13 part, 14 part, 15 to 18, 19/1, 19/2 20 to 48, 52, 54 to 57, 58 part, 59 part, 60 part. nallah part, road part.

Plot numbers acquired in village Awandha Ray :

54 part, 58 part, 59 part, 60 part, 61/1 part-61/2 part, 62 part, 63 to 65, 66 to 68, 69 part, 70/1-70/2 part, 71/1-71/2 part, 89 part, 90 part, 91/1 part, 91/2 part, 92 part, 93 part, 94 to 99, 100/1-100/2 part, 101 part, 102 part, 103 part, 110/1-110/2 part, road part., nallah (P).

Coup numbers acquired in Compartment number-203, Chandrapur Division, Warora Range Reserve Forest :

Coup numbers—II Part, III, VII, VIII part, IX part, X, XX part.

Boundary description :

B-B1 : Line starts from point 'B' and passes along the common boundary of villages Kitadi and Paili Bhatali and meets at point 'B1'.

B1-B2-B3 : Line passes through village Paili Bhatali in plot numbers 553, 550, 549, 551A, 109, 131, 141, 142, 154, 155, 156, 157, 159, 162, 166, 167, 168, Road, 186, 188, 193, 192, 197, 199, 251, 252, 250, 254, 256, 257, 264, 263, 265, 266 and meets at point 'B3'.

B3-B4-B5 : Line passes through village Paili Bhatali in plot number 266 then proceeds through reserve forest of Warora Range in Coup No. II, IX and VIII and meets at point 'B5'.

B5-B6-B7 : Line passes through reserve forest of Warora Range along the other boundary of coup No. VIII, VII and meets at point 'B7'.

B7-B8-A6 : Line passes through reserve forest of Warora Range partly in coup No. XX then proceeds through village Awandha Ray in plot nos. 54, 60, 61/1, 61/2, 59, 58, 62, Nallah, 70/1-70/2, 71/1-71/2, 69 89, 90, 91/1-9/2, 92, 93, 103, 101, 102, 100/1-100/2, 110/1-100/2, then proceeds through village Tirwanja Mokasa in plot numbers 14, 13, nallah, 9, road, 58, 59, 60 and meets at point 'A6'.

A6-A7-A8-A9 : Line passes through village Tirwanja along the outer boundary of plot numbers 60, road part, 54, 52, 33, 34, 45, 48, 47, then proceeds through village Tirwanja Chak along the outer boundary of plot numbers 150, 169, 170, 174, 175, 145/2, 141, 140, 135 and meets at point 'A9'.

A9-A10 : Line passes through village Tirwanja Chak along the outer boundary of plot numbers 135, 136, 137, 138/1, 138/2, 138/3, 178, then proceeds through village Paili Bhatali along the outer boundary of plot numbers 98, 99, 100, 137, 138, 139, 132, in plot number 109 and meets at point 'A10'.

A10-A11-A12-B : Line passes through village Paili Bhatali along the outer boundary road (partly), 51, 49, 48, 45, 2, 3, 4, Abadi, 576, 577, 572, 571, 570, 569 and meets at starting point point 'B'.

मई दिल्ली, 16 फरवरी, 1990

का. आ. . 661.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 7 की उपधारा (1) के अधीन भारत के राजपत्र (असाधारण), भाग 2, खंड 3, उपखंड (ii), तारीख 7 अक्टूबर, 1988 में प्रकाशित, भारत सरकार के ऊर्जा मंत्रालय (कोयला विभाग) की अधिसूचना सं. का.आ. 934(अ), तारीख 7 अक्टूबर, 1988 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिश्चिट परिक्षेत्र की भूमि का अर्जन करने के अपने आशय की सूचना दी थी,

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है,

और केन्द्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और महाराष्ट्र सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित 132.68 हैक्टर (लगभग) या 327.85 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और खनिजों के तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अंजित किए जाने चाहिए।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इससे संलग्न अनुसूची में वर्णित 132.68 हैक्टर (लगभग) या 327.85 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और खनिजों के तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने के अधिकार अंजित किए जाते हैं।

उस अधिसूचना के अधीन आने वाले क्षेत्र के ग्रेडांक सं. सी 1(ह) /III/एफ.आर./430-0489 का निरीक्षण कलबटर, नागपुर, (महाराष्ट्र) के कार्यालय में या कोयला नियंत्रक, 1, कार्डिनल हाउस स्ट्रीट, कलकत्ता के कार्यालय में, या वैस्टर्न कोलफील्ड्स लि. (राजस्व अनुभाग) कोनप्लेट, सिविल लाइन्स, नागपुर-440001 (महाराष्ट्र) के कार्यालय में किया जा सकता है।

अनुसूची

सावनेर परियोजना फेज-II(भाग-1)

नागपुर क्षेत्र

जिला नागपुर (महाराष्ट्र)

खनन अधिकार

क्र. संख्यांक	ग्राम का नाम	पटवारी संकिल मं.	तहसील	जिला	क्षेत्र हैक्टरों में	टिप्पणियां
1.	अंगेवाडा	33	सावनेर	नागपुर	32.50	भाग
2.	वाघोडा	33	सावनेर	नागपुर	1.59	भाग
3.	बोरगांव	31	कलमेश्वर	नागपुर	98.59	भाग

कुल क्षेत्र

132.68 हैक्टर (लगभग)

या

327.85 एकड़ (लगभग)

अंगेवाडा ग्राम में अंजित प्लाट संख्यांक :

78 भाग, 79, 80 भाग, 91/2 भाग, 92/1-2 भाग, 93/1-2-3-4-5 भाग, 94, 95/1-2-3, 96/1-4, 96/2, 96/3, 96/5, 96/6, 96/7,

वाघोडा ग्राम में अंजित प्लाट संख्यांक :

108/1 भाग, 108/2 भाग, 108/5 भाग, 109 भाग, 110/2 भाग।

बोरगांव बुजर्ख ग्राम में अंजित प्लाट संख्यांक :

26 भाग, 46/1-2 भाग, 51-52 भाग, 50-के-1 के एच-53/1-50/3 भाग, 53/2, 54/1-2, 55/1-2, 56/1-2, 57, 58, 59/1-2, 60/1-2-3-4-5, 61/1-2-3-4-5, 62/1-2, 63/1-2-3-4-5, 64, 65, 66-71, 67 से 70, 72-73, 74/1, 74/2-75/1, 75/2, 76 भाग, 77 भाग, 78, 79 भाग, 80-81 भाग, 82/1-2-3 भाग, 83 भाग, 84/1-2-3 भाग, 85/1-2, 59। GT/91 5

86-87/1, 86-87/2, 88 से 92, 93/1-2, 94/1-2-3-4-5-6, 95/1-2-3-4-5-6, 96/1-2-3-4-5-6-7 भाग, 97/1-2 भाग, 97/1-2 भाग, 128 से 130, 133/1-2, 134/1-2, 135, 141-145/2, 145/1, 142 से 144, 146 और 149/1-2-3-4-5-6-7-8-9-10-11 भाग।

सीमा वर्णन :

क—ख	रेखा प्लाट सं. 108/2 की बात्य सीमा के साथ-साथ चलकर बाधोडा ग्राम होकर जाती है, फिर प्लाट संख्यांक 92/1 की बात्य सीमा के साथ-साथ चलती हुई अंगेवाडा ग्राम होकर प्लाट संख्यांक 78, 80, 93/1-2-3-4-5, 92/1-2 में से जाती है और “ख” बिन्दु पर मिलती है।
ख—ग	रेखा प्लाट संख्या 91/2 में ग्राम अंगेवाडा से होकर प्लाट सं. 96/1-96/4, 96/5, 96/56, 97/7, 96/2 की बात्य सीमा के साथ-साथ जाती है, फिर बोरगांव (धोते) और पटकावंडी ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ आगे रहती है और “ग” बिन्दु पर मिलती है।
ग—घ	रेखा बोरगांव (धोते) और आदसा ग्रामों की सम्मिलित ग्राम सीमा के साथ-साथ जाती है और “घ” बिन्दु पर मिलती है।
घ—ङ	रेखा बोरगांव बुजरूक में प्लाट सं. 149/1 से 11 में से होकर जाती है, फिर प्लाट सं. 146, 141, 142, 135, 133/1-2, 130, 128, 95/1, से 5 की बात्य सीमा के साथ-साथ चलती है, फिर प्लाट सं. 96/1 से 7, 97/1-2 में से गुजरती है और “ङ” बिन्दु पर मिलती है।
ङ—ङ	रेखा बोरगांव बुजरूक में प्लाट सं. 97/1-2, 26, 46/1-2, 84/1-2-3, 83, 82/1-2-3, 81, 79 में से होकर जाती है और “ङ” बिन्दु पर मिलती है।
ङ—क	रेखा बोरेगांव (धोते) में प्लाट सं. 76, 46/1-2, 50/3-50/1 के एच, 53/1, 52-52 में से होकर जाती है, फिर बाधोडा ग्राम के प्लाट सं. 110/2, 109, 108/5, 108/1, 108/2 में से होकर आगे बढ़ती है और प्रारंभिक बिन्दु “क” पर मिलती है।

[फा. सं. 43015/4/86-सी.ए./एल.एस. उल्लू.]

New Delhi, the 16th February, 1990

S.O. 661.—Whereas by the notification of the Government of India, in the Ministry of Energy (Department of Coal), No. S.O. 934(E), dated the 7th October, 1988, published in the Gazette of India (Extraordinary) Part II, Section 3, Sub-section (ii), dated the 7th October, 1988, under sub-section (1) of section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government gave notice of its intention to acquire the lands in the locality specified in the Schedule annexed to that notification :

And whereas the competent authority in pursuance of section 8 of the said Act has made his report to the Central Government;

And whereas the Central Government, after considering the report aforesaid and after consulting the Government of Maharashtra, is satisfied that the rights to mine, quarry, bore, dig and search for, win work and carry away minerals in

the lands measuring 132.68 hectares (approximately) on 327.85 acres (approximately) described in the Schedule appended hereto should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 9 of the said Act, the Central Government hereby declares that the rights to mine, quarry, bore, dig and search for, win, work and carry away minerals in the lands measuring 132.68 hectares (approximately) or 327.85 acres (approximately) described in the Schedule appended hereto are hereby acquired.

The Plan bearing No. C-1(E) III/FR/430-0489 of the area covered by this notification may be inspected in the Office of the Collector, Nagpur (Maharashtra) or in the Office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Western Coalfields Limited (Revenue Department), Coal Estate, Civil Lines, Nagpur-440001 (Maharashtra).

**SCHEDULE
SAONER PROJECT PHASE-II (PART-I) SECTOR 1
NAGPUR AREA
DISTRICT NAGPUR (MAHARASHTRA)**

DISTRICT NAGPUR (MAHARASHTRA)						
MINING RIGHTS		Patwari	Tahsil	District	Area in hectares	Remarks
S. No.	Name of village	Circle number				
1.	Angewada	33	Saoner	Nagpur	32.50	Part
2.	Waghoda	33	Saoner	Nagpur	1.59	Part
3.	Borgaon Bujruk	31	Kadmeshwar	Nagpur	98.59	Part
TOTAL Area :				132.68 hectares (approximately) OR 327.85 acres (approximately)		

Plot numbers acquired in village Angewada :

78 Part, 79, 80 Part, 91/2 Part, 92/1-2 Part, 93/1-2-3-4-5 Part, 94, 95/1-2-3, 96/1-4, 96/2, 96/3, 96/5, 96/6, 96/7.

Plot numbers acquired in village Waghoda :

108/1 Part, 108/2 Part, 108/5, 109 Part, 110/2 Part.
Plot numbers acquired in village Borgaon Bujruk :

26 Part, 46/1-2 Part, 51-52 Part, 50 K-1 Kh-53/1-50/3 Part, 53/2, 54/1-2, 55/1-2, 56/1-2, 57, 58; 59/1-2, 60/1-2-3-4-5, 61/1-2-3-4-5, 62/1-2, 63/1-2-3-4-5, 64, 65, 66-71, 67 to 70, 72-73, 74/1, 74/2-75/1, 75/2, 76 Part, 77 Part, 78, 79 Part, 80-81 Part, 82/1-2-3 Part, 83 Part, 84/1-2-3 Part, 85/1-2, 86-87/1, 86-87/2, 88 to 92, 93/1-2, 94/1-2-3-4-5-6, 95/1-2-3-4-5, 96/1-2-3-4-5-6-7 Part, 97/1-2 Part, 128 to 130, 133/1-2, 134/1-2, 135, 141-145/2, 145/1, 142 to 144, 146 and 149/1-2-3-4-5-6-7-8-9-10-11 Part.

Boundary description

A-B : Line starts through village Waghoda along the outer boundary of plot number 108/2, then proceeds through village Angewada in plot numbers 78, 80, 93/1-2-3-4-5, 92/1-2, along the outer boundary of plot number 91/2 and meets at point 'B'.

B-C : Line passes through village Angewada in plot number 91/2, along the outer boundary of plot numbers 96/1, 96/4, 96/5, 96/6, 96/7, 96/2, then proceeds along the common village boundary of villages Borgaon (Dhote) and Pathakhedi and meets at point 'C'.

C-D : Line passes along the common village boundary of villages Borgaon (Dhote) and Adasa and meets at point 'D'.

D-M : Line passes through village Borgaon Bujruk in plot numbers 149/1 to 1, then along the outer boundary of plot numbers 146, 141, 142, 135, 133/1-2, 130, 128, 95/1 to 5, then in plot numbers 96/1 to 7, 97/1-2 and meets at point 'M'.

M-E : Line passes through village Borgaon Bujruk in plot numbers 97-1/2, 26, 46/1-2, 84-1-2-3, 83, 82/1-2-3, 81, 79 and meets at point 'E'.

E-A : Line passes through village Borgaon (Dhote) in plot numbers 76, 46/1-2, 50/3-50/1 K-50/1Kh. 53/1, 51-52, then proceeds through village Waghoda in plot numbers 110/2, 109, 108/5, 108/1, 108/2 and meets at starting point 'A'.

[No. 43015/4/86-CA/LSW]

नई दिल्ली, 19 फरवरी, 1990

का. आ. 662.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उपधारा (1) के अधीन, भारत के राजपत्र, भाग 2, खंड 3, उपखंड (2) तारीख 11 मार्च, 1989 में प्रकाशित, भारत सरकार के उर्जा मंत्रालय (कोयला विभाग) की अधिसूचना का. आ. सं. 469 तारीख 1 फरवरी, 1989 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिदिष्ट परिक्षेत्र में 202.800 हैक्टर (लगभग) या 501.118 एकड़ (लगभग) माप की भूमि का पूर्वेक्षण करने के अपने आपमें की सूचना दी थी;

और केन्द्रीय सरकार का, यह समाधान हो गया है कि उक्त भूमि के किसी भाग में कोयला अभिप्राप्य है।

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 104.660 हैक्टर (लगभग) या 258.615 एकड़ (लगभग) माप वाली भूमि में खनिजों के खनन, खदान, बोर करने, उनकी खुदाई करने और खनिजों के तलाश करने, उन्हें प्राप्त करने, उन पर कार्य करने और उन्हें ले जाने का अधिकार अंजित करने के अपने आपमें की सूचना देती है।

टिप्पण : 1. इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एस.ई.सी.एल. पी. एस.पी/जी.एम (परियोजना) भूमि 53 तारीख 6 नवम्बर, 1989 का निरीक्षण कलक्टर, शहडोल मध्य प्रदेश के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में, या साउथ ईस्टर्न कोलफील्ड्स लिमिटेड (राजस्व अनुभाग) सीपत रोड, विलासपुर-495001 (मध्य प्रदेश) के कार्यालय में किया जा सकता है।

टिप्पण : 2 पूर्वेक्षण अधिनियम की धारा 8 के उपबन्धों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबन्ध हैं :—

अर्जन के प्रति आपत्ति :—

8.(1) कोई व्यक्ति या किसी भूमि में जिसकी वाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना के निकाले जाने के तीस दिन के भोतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण—इस धारा के अर्थात् यह आपत्ति नहीं भानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सभी प्राधिकारी को लिखित रूप में को जाएगी और सक्षम प्राधिकारी आपत्तिकर्ता को स्वयं सुने जाने का या विधि व्यवसायी धारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि में या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि

के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्टें केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार होता यदि भूमि या ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते।

टिप्पणी : 3. केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता को उक्त अधिनियम के अधीन सक्षम प्राधिकारी नियुक्त किया है।

अनुसूची

जमुना-कोतमा विस्तार ब्लाक (ब्लाक क)

जमुना-कोतमा (कोयला थेन्ड्र)

जिला—शहडोल (मध्य प्रदेश)

खनन अधिकार

क्रम ग्राम का नाम सं.	बन्दोबस्तु संख्यांक	तहसील	जिला	क्षेत्र हैक्टरों में	टिप्पणियां
1. जमुना	333	अनुपुर	शहडोल	35.742	भाग
2. पासन	580	अनुपुर	शहडोल	68.918	भाग
कुल क्षेत्र :		104.660 हैक्टर (लगभग)			
या		258.615 एकड़ (लगभग)			

जमुना ग्राम (भाग) में अर्जित किए जाने वाले प्लाट संख्यांक :

1100(भाग), 1101(भाग), 1102, 1103, 1104(भाग), 1105(भाग), 1106, 1107(भाग), 1120(भाग), 1240(भाग), 1241(भाग), 1243(भाग), 1248(भाग), 1249(भाग), 1250 से 1254, 1255(भाग), 1256 से 1260, 1261(भाग), 1262(भाग), 1263 से 1265, 1266(भाग), 1286(भाग), 1306(भाग), 1328(भाग), 1329(भाग), 1330(भाग), 1331 से 1335, 1336(भाग), 1337 से 1340, 1341(भाग), 1346(भाग), 1347, 1348, 1349(भाग), 1350, 1351(भाग), 1352(भाग), 1354(भाग), 1355, 1356(भाग), 1656(भाग), 1657(भाग), और 1338/1674(भाग)।

पासन ग्राम (भाग) में अर्जित किए जाने वाले प्लाट संख्यांक :

54(भाग), 55, 56(भाग), 57(भाग), 58(भाग), 59(भाग), 60 से 62, 63(भाग), 64(भाग), 66(भाग), 68(भाग), 69, 70(भाग), 73(भाग), 74 से 78, 79(भाग), 82(भाग), 1306(भाग), 1307(भाग), 1308(भाग), 1309(भाग), 1310(भाग), 1311(भाग), 1312, 1313(भाग), 1314(भाग), और 1315(भाग)।

सीमा वर्णन :

क-ख-ग

रेखा जमुना ग्राम में "क" बिन्दु से शारंभ होती है और उसी ग्राम के प्लाट सं. 1306, 1329, 1328, 1330, 1336, 1338, 1674, 1341, 1346, 1351, 1352, 1354, 1356, 1349, 1656, 1657, से होकर गुजरती है, फिर पासन ग्राम में प्रवेश करती है और प्लाट सं. 1314, 1315, 1314, 1307, 1306, 1308 से होकर गुजरती है और "ग" बिन्दु पर मिलती है।

ग-झ-च-छ

रेखा पासन ग्राम में प्लाट सं. 1308, 1310, 1309 होकर जाती है और भागत प्लाट सं. 1309, 78 की पूर्वी सीमा के साथ-साथ जाती है, फिर प्लाट सं. 79, 82 होकर गुजरती है और "छ" बिन्दु पर मिलती है।

छ-ज

रेखा पासन ग्राम में प्लाट सं. 82, 79, 73, 70, 68, 66, 64, 63, 59, 58, 57, 56, होकर जाती है और पासन जमुना ग्रामों की सम्मिलित सीमा पर "ज" बिन्दु पर मिलती है।

ज-झ-झ-ट

रेखा पासन ग्राम के प्लाट सं. 54 से होकर प्लाट सं. 55 की पूर्वी सीमा के साथ-साथ जाती है फिर जमुना ग्राम में प्रवेश करती है, और प्लाट सं. 1259, 1100, 1101, 1104, 1105, 1107, 1120, 40, 1241, 1101, 1243, 1249, 1248, 1266, 1262, 1261, 1349, होकर गुजरती है और जमुना पासन ग्रामों की सम्मिलित सीमा पर "ट" बिन्दु पर मिलती है।

ट-ठ-ड-ठ-क

रेखा पासन ग्राम होकर जाती है, प्लाट सं. 1311, 1313, 1314, होकर जाती है फिर जमुना ग्राम में प्रवेश कर प्लाट सं. 1349, 1286, 1306, से होकर जाती है और जमुना ग्राम में "क" बिन्दु पर मिलती है।

[सं. 43015/16/88-एल.एम.डब्ल्यू.]
वी.वी. राव, अवर सचिव

New Delhi, the 19th February, 1990

S.O. 662.—Whereas by the notification of the Government of India in the Ministry of Energy, Department of Coal, S.O. No. 469 dated the 1st February, 1989 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) and published in the Gazette of India in Part-II, Section 3, Sub-section (ii) dated the 11th March, 1989 the Central Government gave notice of its intention to prospect for coal in 202.800 hectares (approximately) or 501.118 acres (approximately) of the lands in locality specified in the Schedule annexed to that notification;

And whereas the Central Government is satisfied that coal is obtainable in a part of the said lands;

Now, therefore in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the rights to mine, quarry, bore, dig and search for, win work and carry away minerals in the lands measuring 104.660 hectares (approximately) or 258.616 acres (approximately) described in the Schedule appended hereto.

Note.—1 The plans bearing No. SECL : BSP : GM(PROJ) :

LAND : 53 dated the 6th November, 1989 of the area covered by this notification may be inspected in the office of the Collector, Shahdol (Madhya Pradesh) or in the office of the Coal Controller, 1 Council House Street, Calcutta, or in the office of the South Eastern Coalfields Limited (Revenue Section) Seepat Road, Bilaspur-495001 (Madhya Pradesh).

Note.—2 Attention is hereby invited to the provisions of section 8 of the aforesaid Act, which provides as follows :—

Objections to Acquisition.—8(1) Any person interested in any land in respect of which a notification under

section 7 has been issued may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation.—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be the competent authority in writing and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further enquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or makes different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government containing his recommendations in the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purpose of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.

Note 3.—The Coal Controller, 1 Council House Street, Calcutta has been appointed by the Central Government as the competent authority under the Act.

THE SCHEDULE

JAMUNA-KOTMA EXTENSION BLOCK (BLOCK 'A') JAMUNA-KOTMA COALFIELD DISTRICT-SHAHDOL (MADHYA PRADESH)

MINING RIGHTS

S. No.	Name of village	Settlement number	Tahsil	District	Area in hectares	Remarks
1. Jamuna		333	Anuppur	Shahdol	35.742	Part.
2. Pasan		580	Anuppur	Shahdol	68.918	Part.

TOTAL : 104.660 hectares (approximately)

OR

258.615 acres (approximately)

Plot numbers to be acquired in village Jamuna (Part) :—

1100(P), 1101(P), 1102, 1103, 1104(P), 1105(P), 1106, 1107(P), 1120(P), 1240(P), 1241(P), 1243(P), 1248(P), 1249(P), 1250 to 1254, 1255(P), 1256 to 1260, 1261(P), 1262(P), 1263 to 1265, 1266(P), 1286(P), 1306(P), 1328(P), 1329(P), 1330(P), 1331 to 1335, 1336(P), 1337 to 1340, 1341(P), 1346(P), 1347, 1348, 1349(P), 1350, 1351(P), 1352(P), 1354(P), 1355, 1356(P), 1656(P), 1657(P) and 1338/1674(P).

Plot numbers to be acquired in village Pasan (Part) :—

54(P), 55, 56(P), 57(P), 58(P), 59(P), 60 to 62, 63(P), 64(P), 66(P), 68(P), 69, 70(P), 73(P), 74 to 78, 79(P), 83(P), 1306(P), 1307(P), 1308(P), 1309(P), 1310(P), 1311(P), 1312(P), 1313(P), 1314(P), and 1315(P).

BOUNDARY DESCRIPTION :

A-B-C : Line starts from point 'A' in village Jamuna and passes through plot numbers 1306, 1329, 1328, 1330, 1336, 1338, 1674, 1341, 1346, 1351, 1352, 1354, 1356, 1349, 1656, 1657, of the same village then enter in village Pasan passes through plot numbers 1314, 1315, 1314, 1307, 1306, 1308 and meets at point 'C'.

C-D-E-F-G : Line passes in village Pasan through plot numbers 1308, 1310, 1309 and partly along the eastern boundary of plot numbers 1309, 78 then through plot numbers 79, 82 and meets at point 'G'.

G-H : Line passes in village Pasan through plot numbers 82, 79, 73, 70, 68, 66, 64, 63, 59, 58, 57, 56 and meets on the common boundary of villages Pasan-Jamuna at point 'H'.

H-I-J-K : Line passes along eastern boundary of plot number 55, through plot number 54 of village Pasan then proceeds in village Jamuna and passes through plot numbers 1259, 1100, 1101, 1104, 1105, 1107, 1120, 1240, 1241, 1101, 1243, 1249, 1248, 1266, 1262, 1261, 1349 and meets on the common boundary of villages Jamuna-Pasan at point 'K'.

K-L-M-N-A : Line passes in village Pasan, through pool numbers 1311, 1313, 1314 then enter in village Jamuna through plot number 1349, 1286, 1306 and meets in the village Jamuna at the starting point 'A'.

[No. 43015/16/88-LSW]
B.B. RAO, Under Secy.

खाद्य और नागरिक पूर्ति मंत्रालय
(खाद्य विभाग)

आदेश

नई दिल्ली, 13 फरवरी, 1990

का.आ. 663.—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपाधि निदेशालय और खाद्य विभाग के वेतन तथा नेत्रा कार्यालयों द्वारा किए जाने वाले खाद्यान्त्रों के क्रम, भण्डारण, संकलन, परिवहन, वितरण तथा विक्रय के क्रूर्यों का पालन करना बन्द कर दिया है जोकि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के क्रूर्य हैं।

और यतः खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों में कार्य कर रहे और उपरिवर्णित क्रूर्यों के पालन में लगे निम्नलिखित कर्मचारी भारतीय खाद्य निगम के कर्मचारी न बनने के अपने आशय को उक्त अधिनियम की धारा 12-ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित की धारा 12-ए द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एवं द्वारा निम्नलिखित कर्मचारी को उसके सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है:—

क्रम संख्या	अधिकारी/कर्मचारी का नाम	केन्द्रीय सरकार के अधीन स्थायी पद	स्थानान्तरण के समय केन्द्रीय सरकार के अधीन पद	भारतीय खाद्य निगम में स्थानान्तरण की तारीख
1. श्री अरुण कुमार चाहो		दफ्तरी	दफ्तरी	1-3-1969

[सं. ए-22014/1/83-एफ.सी.-4/3]

MINISTRY OF FOOD & CIVIL SUPPLIES
(Department of Food)
ORDER

New Delhi, the 13th February, 1990

S.O. 663.—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food, the Regional Directorates of Food, the Procurement Directorate and the Pay & Accounts Offices of the Department of Food which under section 13 of Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following employee serving in the Department of Food, Regional Directorate of Food, and engaged in the performance of the functions mentioned above has not intimated his intention of not becoming employee of the Food Corporation of India as required by the proviso to sub-section (1) of Section 12-A of the said Act;

Now, therefore, in exercise of the powers conferred by Section 12A of the Food Corporation Act, 1964 (37 of 1964) as amended upto-date the Central Government hereby transfer the following employee to the Food Corporation of India with effect from the date mentioned against him.

Sl. No.	Name of the Officer/employee	Permanent post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to FCI
1.	Sh. Arun Kumar Chaki	Dastry	Dastry	1-3-1969

[No. A-22014/I/83-FC.IV/FC-III]

आदेश

का.आ. 664.—अतः केन्द्रीय सरकार ने खाद्य विभाग, क्षेत्रीय खाद्य निदेशालयों, उपायिति निदेशालयों और खाद्य विभाग के बेतन तथा लेज्जा कार्यालयों द्वारा किए जाने वाले खाद्यालयों के काप, भण्डारण, संचालन, परिवहन, वितरण तथा विक्रय के कृत्यों का पालन करना बन्द कर दिया है जो कि खाद्य निगम अधिनियम, 1964 (1964 का 37) की धारा 13 के अधीन भारतीय खाद्य निगम के कृत्य हैं।

अैर अतः क्षेत्रीय खाद्य निदेशालयों, पश्चिमी क्षेत्र में कार्य कर रहे और उपरिवर्णित कृत्यों के पालन में लगे निम्न-लिखित कर्मचारी ने केन्द्रीय सरकार के तारीख 16 अप्रैल, 1971 के परिणाम के प्रत्युत्तर में उसमें विनिर्दिष्ट तारीख के अन्दर भारतीय खाद्य निगम के कर्मचारी न बनने के अपने आशय को उक्त अधिनियम की धारा 12ए की उपधारा (1) के परन्तुक द्वारा यथा अपेक्षित सूचना नहीं दी दी है।

अतः अब खाद्य निगम अधिनियम, 1964 (1964 का 37) यथा अद्यतन संशोधित की धारा 12ए द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा निम्नलिखित कर्मचारी को उसके सामने दी गई तारीख से भारतीय खाद्य निगम में स्थानान्तरित करती है:—

क्रम सं.	अधिकारी/कर्मचारी का नाम	केन्द्रीय सरकार के अधीन पद	स्थानान्तरण के समय केन्द्रीय सरकार के अधीन पद	भारतीय खाद्य निगम में स्थानान्तरण की तारीख
1.	एम.एन. कपाड़ी	मैकेनिक	मैकेनिक	1-3-69

[फाइल सं. सी-18013/7/86-एफ.सी.-3]

ओ.पी. गुप्ता, अवर सचिव

ORDER

S.O. 664.—Whereas the Central Government has ceased to perform the functions of purchase, storage, movement, transport, distribution and sale of foodgrains done by the Department of Food the Regional Directors of Food, the Procurement Directorates and Pay & Accounts Offices of the Department of Food which under Section 13 of the Food Corporations Act, 1964 (37 of 1964) are the functions of the Food Corporation of India;

And whereas the following employee serving in the Regional Directorate of Food, Western Region, and engaged

in the performance of the functions mentioned above has not, in response to the circular of the Central Government dated the 16th April, 1971, intimated, within the date specified therein, his intention of not becoming employee of the Food Corporation of India as required by the proviso to sub-section (1) of Section 12-A of the said Act;

Now, therefore in exercise of the powers conferred by section 12-A of the Food Corporations Act, 1964 (37 of 1964), the Central Government hereby transfer the following employee to the Food Corporation of India with effect from the date mentioned against him.

Sl. No.	Name of the Officer/employee	Post held under the Central Govt.	Post held under the Central Govt. at the time of transfer	Date of transfer to the FCI.
1.	Sh. M.N. Kapadi	Mechanic	Mechanic	1-3-1969

[F. No. C-18013/7/86-FC.III]
O.P. GUPTA, Under Secy.

(नागरिक पूर्ति विभाग)

नई दिल्ली, 19 फरवरी, 1990

का.आ. 665—भारतीय मानक व्यूरो अधिनियम, 1986 (1986 का 63) के खंड-7 के उपखंड (1) द्वारा

प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा लेफिटेनेंट जनरल (मेवानिवृत्त) एच. लाल को 7300-100-7600 रु. के बेतनमान में 12 फरवरी, 1990 अपराह्न से अगले आदेशों तक भारतीय मानक व्यूरो के महानिदेशक के रूप में नियुक्त करती है।

[मि. ग. 2 (49) /86 बी आई एम]

(Department of Civil Supplies)

New Delhi, the 19th February, 1990

S.O. 665.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Bureau of Indian Standards Act, 1986 (63 of 1986), the Central Government hereby appoints Lt. Genl. (Retd.) H. Lal as Director-General of the Bureau of Indian Standards in the scale of pay of Rs. 7300-100-7600 with effect from the 12th February, 1990 (AN), until further orders.

[File No. 2(49)/88-BIS]

नई दिल्ली, 20 फरवरी, 1990

का. आ. 666.—खाद्य और नागरिक पूर्ति मंत्रालय में अपर सचिव और वित्तीय सलाहकार श्री आर. के. माथुर जो 14 जून, 1989 के अपराह्न से अपने कार्यभार के अलावा भारतीय मानक ब्यूरो के महानिदेशक के कार्यभार को भी संभाल रहे थे, ने 12 फरवरी, 1990 (अप्राह्न) से भारतीय मानक ब्यूरो के महानिदेशक का पदभार छोड़ दिया है।

[मिसिल सं. 2 (49)/88 बी. आई. एस.]

ओ. पी. खेत्रपाल, अवर सचिव

New Delhi, the 20th February, 1990

S.O. 666.—Shri R. K. Mathur, Additional Secretary and Financial Adviser, Ministry of Food and Civil Supplies, who had been holding charge of the post of Director-General, Bureau of Indian Standards, in addition to his own duties, with effect from the afternoon of 14th June, 1989, relinquished charge of the post of Director-General BIS, with effect from 12th February, 1990 (AN).

[File No. 2(49)/88-BIS]

O. P. KHETRAPAL, Under Secy.

कृषि मंत्रालय

(कृषि और सहकारिता विभाग)

नई दिल्ली, 13 फरवरी, 1990

का. आ. 667.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 के नियम 10 के उपनियम 4 अनुसरण में एन्ड्रांग कृषि मंत्रालय (कृषि और सहकारिता विभाग) के निम्नलिखित कार्यालय को, जिसके कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है।—

1. भारतीय जीवजन्तु कल्याण बोर्ड

राष्ट्रीय मुद्रालय

51, फस्ट मेन रोड, गांधी नगर,

मद्रास-600 020

[सं. 3-24/86 हिन्दी नीति]

जगदीश प्रसाद निदेशक, (राजभाषा)

MINISTRY OF AGRICULTURE

(Department of Agriculture & Cooperation)

New Delhi, the 13th February, 1990

S.O. 667.—In pursuance of sub-rule 4 of rule 10 of the Official Language (use for official purposes of the Union)

Rules, 1976, the Central Government hereby notify the following office of the Ministry of Agriculture (Department of Agriculture & Cooperation), the staff whereof have acquired the working knowledge of Hindi :—

1. Animal Welfare Board of India,

National Headquarter,
51, First Main Road,
Gandhi Nagar,
Madras-600020.

[No. 3-24/86-Hindi Neeti]

JAGDISH PRASAD, Director (Official Language)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 26 फरवरी, 1990

का. आ. 668 :—केन्द्रीय सरकार दन्त-चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए भारतीय दन्त चिकित्सा परिषद के परामर्श करने के पश्चात् उक्त अधिनियम की अनुसूची में निम्नलिखित और संशोधन करता है, अर्थात् :—

उक्त अनुसूची के भाग-1 में क्रम संख्यांक 31 और उसमें संबंधित प्रविधियों के पश्चात् निम्नलिखित क्रम संख्यांक और प्रविधियां अंतःस्थापित की जाएंगी, अर्थात् :—

“32 गोवा विश्वविद्यालय बेचलर ऑफ डेंटल मर्जरी बी. डी. ए. (गोवा)

यह मान्यता प्राप्त दन्त श्रहंता होगी।

जब यह प्रथम जून, 1986 को या

उसके पश्चात प्रदान की गई हो।

[मंस्त्रा वी.-12017/10/89-पी.एम.एस.]

आर. श्रीनिवासन, अवर सचिव
MINISTRY OF HEALTH AND FAMILY WELFARE
(Dept. of Health)

New Delhi, the 26th February, 1990

S.O. 668.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendments in the Schedule to the said Act, namely :—

In Part I of the said Schedule, after serial number 31 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

“32 Goa University.—Bachelor of Dental Surgery. DBS (Goa).” This qualification shall be recognised dental qualification. When granted on or after the 1st June, 1986.

[No. V-12017/10/89-PMS]

R. SRINIVASAN, Under Secy.

नागर विभाग मंत्रालय

नई दिल्ली, 16 फरवरी, 1990

का. आ. 669 :—पवनहंस डार्किन हेलीकाप्टर वी. टी.-ई.एन.ओ. जो 15-12-89 को गंगा नदी में दुर्घटना-प्रस्त हो गया था, की दुर्घटना की जांच के लिए जांच समिति के गठन के बारे में इस मंत्रालय को दिनांक 2 फरवरी, 1990 की समसंध्यक अधिसूचना के आधिक

संशोधन में श्री आर.डे. पाल, व्यावर विभाग सुरक्षा नियंत्रक, कलकत्ता उक्त ममिति के सदस्य-सचिव के रूप में कार्य करेंगे।

[रांगड़ा प.वी-15013/11/89-एस.एस.वी.]

वी. जयचन्द्रन, अवर सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 16th February, 1990

S.O. 669.—In partial modification of the Ministry's Notification of even number dated the 2nd February, 1990 regarding constitution of a Committee of Inquiry for investigating the accident to Pawan Hans Dauphine Helicopter VT-FIO which crashed into river Ganges on 15-12-1989, Shri R. K. Paul, Regional Controller of Air Safety, Calcutta, will function as the Member Secretary to the said Committee.

[No. AV-15013/11/89-SSV]

V. JAYACHANDRAN, Under Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 20 फरवरी, 1990

का.आ. 670:—चलचित्र (प्रमाणन) नियम, 1983 के नियम 3 के रास्ते पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए और इस विषय पर पूर्व अधिसूचनाओं का अधिकारण करने हुए, केन्द्रीय सरकार, केन्द्रीय फिल्म प्रमाणन बोर्ड का पुनर्गठन करती है और निम्नलिखित व्यक्तियों को उन्काल और श्रगला आदेश जारी होने तक उक्त बोर्ड का सदस्य नियुक्त करती है:—

1. श्री शक्ति सामंत
2. श्री मनमोहन पौड़ी
3. प्रो. बमंत बापट
4. मुश्त्री विजया मेहता
5. श्री राजेश बहादुर
6. श्री मृ. विश्वेश्वर गाव
7. श्री ए.एम. रामन
8. श्री जैमिनी गणेशन
9. श्री एम. भकावतस्ल
10. न्यायमूर्ति के. पुन्नेया
11. श्री डी. सीतारामैया
12. श्री एन. रामकृष्ण आचार्य
13. श्री श्रज्य डे
14. श्री डी.के. सरकार
15. श्री अपूर्णकुट्टन नायर
16. श्री एम.पी. मोहम्मद
17. मुश्त्री कमला मानोकर

2. उपर्युक्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार यह भी निर्देश देती है कि ऊपर बताए अनुसार केन्द्रीय फिल्म प्रमाणन बोर्ड के पुनर्गठन के साथ ही वर्तमान

सदस्य (उपर्युक्त कम संख्या 4 में निर्दिष्ट गुरुत्री विजया मेहता को छाड़कर) तत्काल बोर्ड के सदस्य नहीं रहेंगे।

[फाइल संख्या-814/1/90-एफ (सी)]

एस लक्ष्मी नारायणन, संयुक्त सचिव
MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 20th February, 1990

S.O. 670.—In exercise of the powers conferred by sub-section (1) of section 3 of the Cinematograph Act 1952 (37 of 1952), read with rule 3 of the Cinematograph (Certification) Rules 1983 and in supersession of earlier Notification on the subject, the Central Government is pleased to reconstitute the Central Board of Film Certification and appoint the following persons as members of the said Board with immediate effect until further orders:—

1. Shri Shakti Samanta,
2. Shri Manmohan Shetty
3. Prof. Vasant Bapat
4. Ms. Vijaya Mehta
5. Shri Rajesh Bahadur
6. Shri U. Visweswara Rao
7. Shri A. S. Raman
8. Shri Gemini Ganesan
9. Shri M. Bhakta-votsala
10. Justice K. Punniah
11. Shri D. Sitaramiah
12. Shri N. Ramakrishnacharya
13. Shri Ajay De
14. Shri D. K. Sirear
15. Shri Appukuttan Nair
16. Shri M. P. Mohammed
17. Ms. Kamala Mankekar.

2. In exercise of the aforesaid powers, the Central Government also directs that with the reconstitution of the Central Board of Film Certification as mentioned above, the existing members, (except M/s. Vijaya Mehta who appears at S. No. 4 above) shall cease to be members of the Board with immediate effect.

[File No. 814/1/90-F(C)]
S. LAKSHMI NARAYANAN, Jt. Secy.

जल-भूतल परिवहन मंत्रालय

(श्रम खण्ड)

नई दिल्ली, 16 फरवरी, 1990

का.आ. 671:—मद्रास अर्जिस्ट्रीक्यून डाक कर्मकार (नियोजन का विनियम) अंकीम, 1957 का और संशोधन करने के लिए निम्नलिखित प्रारूप जो केन्द्रीय सरकार डाक कर्मकार (नियोजन का विनियम) अधिनियम, 1948 (1948 का 9) की धारा 4 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, बनाना चाहती है, उक्त उपधारा की अपेक्षानुसार ऐसे सभी व्यक्तियों की जानकारी के लिए प्रकाशित किया जाता है, जिनके उससे प्रभावित होने की संभावना है और इसके द्वारा यह सूचना दी जाती है कि उक्त प्रारूप पर उम तारीख से, जिसको इस अधिसूचना वाले राजपत्र की प्रतियां जनता को उपलब्ध कराई जाती है, 45 दिन की अवधि की समाप्ति पर या उसके पांचाल विचार किया जाएगा।

किन्हीं ऐसे आक्षेपों या सुझावों पर, जो पूर्वोत्तम ग्रवधि की समाप्ति के पूर्व उक्त प्रारूप के संबंध में किसी व्यक्ति से प्राप्त होंगे, केन्द्रीय सरकार विचार करेगी।

प्राप्त स्कीम

1. (1) इस स्कीम का संक्षिप्त नाम मद्रास अरजिस्ट्री-कूत डाक कर्मकार (नियोजन का वित्तियमन) संशोधन स्कीम, 1990 है।

(2) यह राजपत्र में अपने अंतिम प्रकाशन की तारीख को प्रवृत्त होगी।

2. मद्रास अरजिस्ट्री-कूत डाक कर्मकार (नियोजन का वित्तियमन) स्कीम, 1957 में,—

(1) खंड (3) के उपखंड (ज) में, "बोर्ड" शब्द के स्थान पर, "अध्यक्ष" शब्द रखा जाएगा।

(2) खंड 4 की मद (ख) में "सूचीबद्ध नियोजक और" शब्दों का लोप किया जाएगा,

(3) खंड 4 की मद (ग) का लोप किया जाएगा।

(4) खंड 5 के उपखंड (1) में मद, (कक) के पश्चात् निम्नलिखित मद अन्तः स्थापित को जाएगी, अर्थात् :—

(कक्ष) "ना नियोजकों द्वारा सूचीकृत करने पर विचार करना,

(5) खण्ड 8 में,—

(क) उपखंड (3) और (4) में,—

(1) "बोर्ड" शब्द के स्थान पर, जहाँ कहीं वह आता है, "अध्यक्ष" शब्द रखा जाएगा,

(2) "यह" शब्द के स्थान पर, जहाँ कहीं वह आता है, "वह" शब्द रखा जाएगा,

(ख) उपखंड (5) में, "अधिवेशन में बोर्ड" और "बोर्ड" शब्दों के स्थान पर, "अध्यक्ष" शब्द रखा जाएगा।

(6) खण्ड 2 में, उपखंड (9) के पश्चात् निम्नलिखित उपखंड अन्तः स्थापित किया जाएगा, अर्थात् :—

"(10) कोई सूचीकृत नियोजक अध्यक्ष के लिखित पूर्व अनुमोदन के बिना नियोजक के स्वयं में या उसके अधीन किसी हित या प्रभुत्विधा को किसी अन्य व्यक्ति को समनुदेशित नहीं करेगा, अन्तरित नहीं करेगा या किसी रीति से उसमें अलग नहीं होगा।"

(7) खण्ड 14 के उपखंड (2) में, मद (ख) में, "बोर्ड" शब्द के स्थान पर, जहाँ कहीं वह आता है, "अध्यक्ष" शब्द रखा जाएगा।

(8) खण्ड 15 के स्थान पर निम्नलिखित खण्ड रखा जाएगा, अर्थात् :—

"15. नियोजकों द्वारा अपीलें—(1) कोई सूचीकृत नियोजक, जो खण्ड 14 के अधीन किसी आदेश से व्यवस्थित है, निम्नलिखित को अपील कर सकेगा :—

(क) उपाध्यक्ष को, यदि आदेश खण्ड 14 के उपखंड (1) के अधीन कार्मिक अधिकारी द्वारा किया गया था,

(ख) अध्यक्ष को, यदि आदेश उपाध्यक्ष द्वारा खण्ड 14 के उपखंड (2) की मद (क) के अधीन अपारं मा आदेश के रूप में किया गया था, या

(ग) केन्द्रीय सरकार को, यदि आदेश उपाध्यक्ष द्वारा खण्ड 14 के उपखंड (2) की मद (ख) के अधीन अपारं के अनुमोदन में किया गया था।

(2) खण्ड 8 के अधीन किसी आदेश से व्यवस्थित कार्मिन आदेश की प्राप्ति के 30 दिन के भीतर केन्द्रीय सरकार को लिखित रूप में अपील कर सकेगा,

परन्तु केन्द्रीय सरकार, नेतृत्वद्वारा किए जाने वाले कारणों में 30 दिन की समाप्ति के पश्चात् की गई अपील ग्रहण कर सकेगी।

(3) उपखंड (1) में निर्दिष्ट प्रत्येक अपील लिखित रूप में होगी और उस आदेश की प्राप्ति के, जिसके विषय अपील की गई है, 14 दिन के भीतर की जाएगी।

[फा.गं. एवं बी-13013/20/88-एव-4]

वी. शंकरविंगम, संयुक्त सचिव

MINISTRY OF SURFACE TRANSPORT

(Labour Division)

New Delhi, the 16th February, 1990

S.O. 671—The following draft of a Scheme further to amend the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is hereby published as required by the said sub-section for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the expiry of a period of 45 days from the date on which copies of the Official Gazette containing this notification are made available to the public.

Any objections or suggestions which may be received from any person with respect to the said draft before the expiry of the aforesaid period will be taken into consideration by the Central Government.

DRAFT SCHEME

1. (1) This Scheme may be called the Madras Unregistered Dock Workers (Regulation of Employment) Amendment, Scheme, 1990.

(2) It shall come into force on the date of its final publication in the Official Gazette.

2. In the Madras Unregistered Dock Workers (Regulation of Employment) Scheme, 1957,

(i) in sub-clause (h) of clause 3, for the word "Board" the word "Chairman" shall be substituted.

(ii) in clause 4, in sub-clause (b), the words "listed employers and" shall be omitted.

(iii) in clause 4AA, sub-clause (c) shall be omitted;

(iv) in clause 5, in sub-clause (1), after item (m), the following new item shall be substituted, namely :—

"(n) to consider listing of new employers;"

(v) in clause 8,—

(a) in sub-clauses (3) and (4),—

- (1) for the word "Board" wherever it occurs, the word "Chairman" shall be substituted;
- (2) for the word "it", wherever it occurs, the word "he" shall be substituted;

(b) in sub-clause (5), for the words "Board-in-meeting" and 'Board', the word 'Chairman' shall be substituted;

(vi) in clause 11, after sub-clause (9), the following sub-clause shall be inserted, namely :—

"(10) A listed employer shall not assign, transfer or in any manner part with any interest or benefit in or under the listing as employee by the Board to any other person without prior approval in writing of the Chairman;"

(vii) in clause 14, in sub-clause (2), in item (b), for the word "Board", wherever it occurs, the word "Chairman" shall be substituted;

(viii) for clause 15, the following clause shall be substituted, namely :—

"15. Appeals by employer.—(1) A listed employer who is aggrieved by an order under clause 14, may appeal,—

- (a) to the Deputy Chairman, if the order was made by the Personnel Officer under clause 14(1)(i); or
- (b) to the Chairman, if the order was made by the Deputy Chairman, as his original order under clause 14(2)(a); or
- (c) to the Central Government, if the order was made by the Deputy Chairman with the approval of the Chairman under clause 14(2)(b).

(2) Any person aggrieved by any order against him under clause 8, may appeal in writing to the Central Government within 30 days of the receipt of the order;

Provided that the Central Government, may, for reasons to be recorded, admit an appeal preferred after the expiry of 30 days.

(3) Every appeal referred to in sub-clause (1) shall be in writing and preferred within 14 days of the receipt of the order appealed against;"

[File No. LB-13013/20/88-L IV]
V. SANKARALINGAM, Jt. Secy.

श्रम मंत्रालय

नई दिल्ली, 31 जनवरी, 1990

का.आ. 672.—केन्द्रीय मरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग नियम 10 के उप नियम (4) के अनुसरण में कर्मचारी राज्य बीमा निगम के उप क्षेत्रीय कार्यालय नागपुर कर्मचारी राज्य बीमा निगम अस्पताल, ज़िलमिल तथा उप-क्षेत्रीय कार्यालय पूना को जिनके 80 प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करता है।

[सं. ई-11012 (11)/88-एस.एस.-1]
टोमू जांशो, उप मी चव

MINISTRY OF LABOUR

New Delhi, the 31st January, 1990

S.O. 672.—In pursuance of Sub-rule (4) of Rule 10 of the Official Language (Use for official purposes of the

Union) Rules, 1976, the Central Government hereby notifies Sub-Regional Offices of the Employees State Insurance Corporation, Nagpur and Poona, Employees State Insurance Hospital, Jhilmil, the 80 per cent staff whereof have acquired a working knowledge of Hindi.

[No. E-11012/1/88 SS I]
TINOJ JOSHI, Dy. Secy.

नई दिल्ली, 7 फरवरी, 1990

का. आ. 673.—केन्द्रीय राज्य बीमा अधिनियम, 1948 (1948 का 34) को धारा 1 को उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय मरकार एतद्वारा 16-2-90 को उस तारीख के बाद में नियन्त करनी है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त को जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त को जा चुकी है) के उपरबन्ध उडीमा राज्य के निम्न-लिखित क्षेत्र में प्रवृत्त होंगे, ग्रन्थात्:—

"जिला पुरी में भुवनेश्वर नगरपालिका सीमाओं के अन्तर्गत आने वाले क्षेत्र, उन क्षेत्रों के सिवाय जहाँ उक्त व्यवस्था पहले ही प्रवृत्त किए जा चुके हैं "

[संख्या एस.-38013/3/90—एस. एस.-1]

New Delhi, the 7th February, 1990

S.O. 673.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employee's State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 16th February, 1990 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapter V and VI (except sub-section (1) of section 70 and sections 77, 78 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Orissa, namely :—

"The areas comprising of the Municipal limits of Bhubaneswar in District Puri, except the areas in which the said provisions of the Act have already been brought into force.

[No. S-38013/3/90-SS-1]

नई दिल्ली, 8 फरवरी, 1990

का. आ. 674.—यतः मैसर्स ब्लॉ प्लास्ट लिमिटेड, वी. आई. पी. हाउस, ओलड प्रभाडेंटी रोड, बम्बई-400025 तथा समस्त भारत स्थित शाखाएं (इसके आगे जहाँ कहीं भी उक्त स्थापना शब्द का प्रयोग हो इसमें अभिप्राय उक्त स्थापना में है) ने कर्मचारी भविष्य नियंत्रित और प्रकीर्ण उप बंध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट (को धारा 17 की उपधारा (1) के खंड (क) के अन्तर्गत छुट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की शर्य में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य नियंत्रित नियमों में

अंशदान की दर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर में कम नहीं है तथा इसके कर्मचारियों को गिनते वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहाँ कहीं भी स्कीम शब्द का प्रयोग किया गया है उसमें अभिभाव उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग की स्थापनाओं में कार्यरूप कर्मचारियों को उपलब्ध है।

अब इसनिए उक्त अधिनियम की धारा 17 की उपधारा 1 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और संतुल अनुग्रही में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त रकीग के सभी उपलब्धों के लागू होने में छूट प्रदान करती है।

अनुशृण्वन्ति

1. उक्त स्थापना में सम्बन्धित नियोक्ता केन्द्र सरकार के द्वारा समय समय पर दिया गया निदेश के अनुगार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान करेगा और ऐसे निरीक्षण प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न-छूट प्राप्त स्थापनाओं के सम्बन्ध में इस अधिनियम और उसके अधीन सुनित उक्त स्कीम के अंतर्गत देय अंशदान के दर में स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान का दर किसी समय भी कम न होगा।

3. पेशेगियों के मामलों में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के वर्तमान नियमों से ग्राहित लागकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कोई भी संशोधन, दोबीय भविष्य निधि आयुक्त की पूर्ण अनुमति के बर्गे नहीं किया जाएगा और जहाँ किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की गम्भीरता है वहाँ अपनी अनुमति देने से पूर्य, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने विचार प्रस्तुत करने का उचित अवसर देगा।

5. यदि स्थापना को छूट न दी जाती तो वे सभी कर्मचारी (जिन उक्त अधिनियम की धारा 2(च) में निश्चित किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहाँ एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या वित्ती प्रबंध एवं प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उस निधि का तुरन्त गद्दग बनाएगा और ऐसे कर्मचारी के विछले नियोक्ता के पास भविष्य निधि लेखे

में संवयों को अंतरित करने और उसके लेखे में जमा करने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा वेत्रीय सरकार के द्वारा जैसे भी समझा हो, समय समय पर दिए गए निदेशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड म निहित होगा जो व्यवहारों के होने हुए भविष्य निधि में आय के उचित रेटों और भविष्य निधि से अदायगियों और उनकी अभिभावक में शेषों के लिए कर्मचारी भविष्य निधि संगठन ने उत्तराधीय होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बठक करेगे और केन्द्र सरकार द्वारा समय समय पर जारी किए गए मार्ग निदेशों के अनुगार कार्य करेंगे। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक से खातों को दुबारा लेखा परीक्षा कराएगा और ऐसे पुनः लेखा-परीक्षा के यत्वं नियोक्ता बहन करेगा।

10. न्यासी बोर्ड द्वारा दिए गए भविष्य निधि लेखे अंतहा प्राप्त निष्पक्ष चार्टर्ड अकाउन्टेंट द्वारा वापिक लेखा परीक्षा के अध्यधीन होंगे। जहाँ आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त को किसी अन्य अंतहा प्राप्त लेखा-परीक्षक द्वारा लेखों की पुनः लेखा परीक्षा करने का अधिकार होगा और इस पर हुआ व्यवहार नियोक्ता द्वारा बहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलन-पत्र के साथ लेखा-परीक्षित वापिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छ: माह के अन्दर दोतीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिसाइ भविष्य निधि के देय अपने कर्मचारियों के अंगदानों की आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अदायगी करने के लिए समान परिस्थितियों में नियोक्ता नुकसानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट प्राप्त स्थापना उत्तरदायी होनी है।

13. न्यासी बोर्ड सरकार द्वारा समय समय पर निदेशों के अनुसार निधि में जमा गणितों का निवेश करेगा प्रतिभूतियों न्यासी बोर्ड के नाम पर प्राप्त की जाएगी और भारतीय रिजर्व बैंक के जमा विवरण में अनुसूचित बैंक की अभिभावक में रखा जाएगा।

14. सरकार के निदेशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग-अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभाव का उत्तरदायी होगा।

15. न्यायी बोर्ड एक अनुच्छीरा रिगिस्टर तैयार करगा और व्याज और क्रियोचन आय की समय पर वसूली सुनिश्चित करेगा ।

16. जमा छिप गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी रो मंत्रियां व्याज की विधान के लिए न्यायी बोर्ड द्वारा अनुच्छीरा करेगा ।

17. विनीयिंग्गा वर्ष की समाप्ति के दूसरे माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासवूक जारी कर सकता है । ये पासवूक कर्मचारियों की अधिकारकां में रखेंगी और कर्मचारियों के प्रश्नोत्तर करण पर बोर्ड के द्वारा इन्हे शायतन किया जाएगा ।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पासवूक जारी कर सकता है । ये पासवूक कर्मचारियों की अधिकारकां में रखेंगी और कर्मचारियों के प्रश्नोत्तर करण पर बोर्ड के द्वारा इन्हे शायतन किया जाएगा ।

19. लेखा वर्ष के पहले दिन आदि छेप पर प्रत्येक कर्मचारी के लेखों में व्याज उमदार में जमा किया जाएगा जिसका न्यायी बोर्ड निर्भय वरे पर्सन यह उक्त स्कीम के पैरा 60 के अन्तर्गत केंद्रीय गणराज द्वारा घोषित दर में कम नहीं होगा ।

20. यदि न्यायी बोर्ड केंद्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण ने अदा करने में शायस्थ है तो इस कमी को नियोक्ता पूरा करेगा ।

21. नियोक्ता भविष्य निधि को चोरों के कारण, लूटखोट लाना, गवन अथवा किसी अन्य कारण गे हुए हानि को पूरा करेगा ।

22. नियोक्ता और न्यायी बोर्ड, दोनों भविष्य निधि आयुत को ऐसी विवरणियां प्रस्तुत करेगा जो सभी समय पर केंद्रीय सरकार/केंद्रीय भविष्य निधि आयुत निर्धारित करें ।

23. उत्तर कोम के पैरा 69 की ऐसी पर किसी कर्मचारी को निधि के सदस्य न रखने पर यदि न्यायपत्र के भविष्य निधि नियमों से नियोक्ताओं के अंशदानों को जब करने की व्यवस्था है तो न्यायी बोर्ड इस प्रकार जबल की गई राशियों का अलग में लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केंद्रीय भविष्य निधि आयुत की पूर्व शत्रुति गे गुनिश्चित किया गया हो ।

24. न्यायपत्र के भविष्य निधि नियमों में निर्दिष्ट किसी वात के होते हुए भी यदि नियी व्यक्ति की गोदा निवृत्ति होने के कालस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की गोदाना समाप्त हो जाती है यह पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर सम्पहरण की दर आदि सविधिक योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुकूल है तो अन्तर का वहन नियोक्ता द्वारा किया जाएगा ।

25. नियोक्ता, भविष्य निधि के प्रशासन में मंत्रियां सभी खर्चों जिसमें लेखों के ग्राह-ग्राहाव, रिटर्न प्रस्तुत किए जाने, राफ़ों का अन्तरण शामिल है, वहन करेगा ।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई राशोधन होता है, उसकी मुद्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा ।

27. “गमुचित सम्पादन” स्थापना की चाल छूट पर और ऐसे तरीके लगा सकती है ।

28. यदि उक्त अधिनियम के अंतर्गत स्थापना वर्ग जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ायी जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अंतर्गत दिए जाने वाले वार्षिकों ने स्थापना की स्कीम के अंतर्गत दिए जाने वाले भविष्य निधि के लिए किसी प्रकार से कम न हो ।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है ।

[म. एम—35015/(6)/90 म. सु.-2]

New Delhi, the 8th February, 1990

S.O. 674.—Whereas Messrs. Blow Plast Limjtd, V.I.P. House, Old Prabhadevi Road, Bombay-400025, including its branches all over India, (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), hereinafter referred to as the said Act;

And, whereas in the opinion of the Central Government the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the 'aid scheme') in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme;

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of the said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the un-exempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme this is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically no amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provi-

dent Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees [as defined in section 2(f) of the said Act] who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment the employer shall immediately enrol him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balance in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payable of the contributions in the same manner as an unexempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit Central of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a serial-wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may instead of the annual statement of accounts, issue passbooks to every employee. These passbooks

shall remain in the custody of the employees and will be brought up to date by the Board on presentation by the employees.

19. The account of each employee shall be credited interest calculated on the opening balance as, on the 1st day of the accounting year at such rate may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, than the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employee's contribution in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the provident fund rules of the establishment, if on the cessation of any individual, from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution, rate of forfeiture etc. under the provident fund rules of the establishment are less favourable as compared to those under the statutory scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of Accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and a. and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for contained exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015(6)/90-SS-II]

का. आ. 675.—यतः मैमर्म इन्टरनैशनल डाटा मैनेजमैन्ट प्राइवेट लिमिटेड, मफेद पुल, सर एम वासनजी रोड, वम्बड-400072 और इसका वम्बड, कलकत्ता स्थित प्लान्ट तथा वम्बड, कलकत्ता, नई दिल्ली, मद्रास, बंगलौर, अहमदाबाद स्थित शाखाएं, (इसके आगे जहां कहीं भी उक्त स्थापना शब्द का प्रयोग हो इसमें अभिप्राय उक्त स्थापना में है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट (को धारा 17 की उपधारा

(1) के खंड (क) के अन्तर्गत छठ प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की गये में उक्त स्थापना के कर्मचारियों के लिए नेत्रारुकिण गण भविष्य निधि नियमों में अंशदान की दर उक्त ग्रधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर गे कम नहीं है तथा इसके कर्मचारियों को सिवाने वाले भविष्य निधि लाभ उक्त ग्रधिनियम नवा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जारी कहीं भी स्कीम जब्द का प्रयोग किया गया है उसमें अनुत्पाद उक्त स्कीम गे है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस वर्ग को स्थानांतरों में कार्यरूप कर्मचारियों को उपलब्ध है।

अब इसकिए उक्त ग्रधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त जरियाओं का प्रयोग करते हुए और संलग्न अनुमूलनी में वर्णित गर्भों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपाधारों के लागे होने से छठ प्रदान करनी है।

ग्रन्तमूल्य

1. उक्त स्थापना से सम्बन्धित नियोक्ता केन्द्र सरकार के द्वारा समय-प्रमाण दिए गए नियंत्रण के अनुसार उक्त ग्रधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित नियोक्ता के लिए ग्रृहितार्थ प्रदान करेगा और एसे नियोक्ता प्रभार की अदायगी प्रत्येक माह की समाप्ति के 15 दिन के अन्दर करेगा।

2. न-छठ प्राप्त स्थापनाधारों के सम्बन्ध में उक्त ग्रधिनियम और उसके अधीन सूचित उक्त स्कीम के अन्तर्गत देश अंशदान के दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देश अंशदान का दर किसी समय भी कम न होगा।

3. पेशेगियों के मामले में छठ प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 में कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थानांतर के वर्तमान नियमों में अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थानांतर के भविष्य निधि नियमों में कोई भी संशोधन, केन्द्रीय भविष्य निधि अधिकारी की पूर्व अनुमति के बाहर नहीं किया जाएगा और जहां किसी संशोधन में उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने को सम्भाला है वहां अपनी अनुमति देने से पूर्व, केन्द्रीय भविष्य निधि अधिकारी, कर्मचारियों को प्रपने यिचार प्रस्तुत करने का उचित अवगत देगा।

5. यदि स्थापना को छठ न दी जानी जानी गे सभी कर्मचारी (जैसे उक्त ग्रधिनियम की धारा 2(च) में नियंत्रित किया गया है) जो सदस्य बनने के पात्र होने, सदस्य बनाए जाएंगे।

6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छठ-प्राप्त स्थापना का पहले गे

सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उस निधि का तुरन्त सदस्य बनाएगा और ऐसे कर्मचारी के पिछले नियोक्ता के पास भविष्य निधि लेखे गे मंजरों को अंतरित करने और उसके लिये में जमा करने को आवश्यक करेगा।

7. केन्द्रीय भविष्य निधि अधिकारी के द्वारा अधिकार केन्द्रीय सरकार के द्वारा जैसे भी सामना हो, समय-प्रमाण पर दिए गए नियंत्रणों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्याया बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यायी बोर्ड में विहित होगा जो श्रद्ध बातों के होने हेतु भविष्य निधि में आप के उचित लेखों और भविष्य निधि से प्रदायणियों और उनको प्रभित्वा में लेखों के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. न्यायी बोर्ड कम में कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार द्वारा समय-प्रमाण पर जारी किए गए सारा नियंत्रण के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि अधिकारी को अधिकार होगा कि वह किसी प्रत्येक लेखा परीक्षक में खातों को द्वारा नेत्रा परीक्षा कराए और ऐसे पुनः लेखा-परीक्षा के यर्जन नियोक्ता वहन करेगा।

10. न्यायी बोर्ड द्वारा जब भविष्य निधि लेखे अर्हता प्राप्त निष्पक्ष चार्टर्ड अकाउंटेन्ट द्वारा वार्षिक लेखा परीक्षा के अधिकारी होंगे। जहां आवश्यक समझा जाए, केन्द्रीय भविष्य निधि अधिकारी को किसी अन्य अर्हता प्राप्त लेखा-परीक्षक द्वारा लेखों की पुनः लेखा परीक्षा करने का अधिकार होगा और उस पर हुए व्यय नियोक्ता द्वारा वहन किया जाएगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलना-बदल के साथ लेखा-परीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छः माह के अन्दर शेषीय भविष्य निधि अधिकारी को प्रस्तुत की जाएगी। इस प्रयोजन के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च तक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि के देश अपने कर्मचारियों के अंशदानों की आगामी माह की 15 तारीख तक न्यायी बोर्ड की अंतरित कर देगा। अंशदानों की विनाश में ग्रदायणी करने के लिए समान परिमितियों में नियोक्ता ग्रदायणी देने का उसी प्रकार उनगदायी होगा जिस प्रकार एक न छठ प्राप्त स्थापना उत्तरदायी होती है।

13. न्यायी बोर्ड भविष्य निधि के देश अपने नियंत्रणों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिमाहिया न्यायी बोर्ड के लाभ पर प्राप्त को जाएगी और भारतीय रिजर्व बैंक के जमा नियंत्रण में अवृत्ति बैंक की अभिरक्षा में जमा जाएगा।

14. सरकार के नियंत्रणों के अनुसार निवेश न करने पर न्यायी बोर्ड अलग-अलग स्थानों पर और एक साथ केन्द्रीय भविष्य

निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा ।

15. न्यासी बोर्ड एक वस्तु व्यापार जिस्टर तैयार करेगा और व्याज और विमोचन आय को समय पर वस्तुली मुनिशन करेगा ।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित व्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत तैयार करेगा ।

17. विनीय/नेखा वर्द की समाप्ति के दूसरे दिन व्यापार कर्मचारी को वार्षिक लेखा विवरण जारी करेगा ।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पागड़ जारी कर सकता है। ये पास बूकें कर्मचारियों की अधिग्राहक में रहेंगी और कर्मचारियों के प्रस्तुतीकरण पर बोर्ड के द्वारा इन्हें शदृशता किया जाएगा ।

19. लेखा पर्याप्ति के पहले दिन आदि शेष पर प्रत्येक कर्मचारी के लेखे में व्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैसा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा ।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी शन्य कारण से अदा करने में शर्मर्थ है तो इस करी को नियोक्ता पूरा करेगा ।

21. नियोक्ता भविष्य निधि की चोरी के कारण, लूट या सोने यानान, गबन आदा किसी अन्य कारण से ही हानि को पूरा करेगा ।

22. नियोक्ता और न्यासी बोर्ड, केन्द्रीय भविष्य निधि आयुक्त जो प्रेसी विवरणियों प्रस्तुत करेगा जो समय समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें ।

23. उक्त स्कीम के पैग 69 की शैली पर किसी कर्मचारी को निधि के सदस्य न रहने पर यदि स्थापना के भविष्य निधि नियमों में नियोक्ताओं के अंशदानों को जब्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जब्त की गई राशियों का शलग से लेखा तैयार करेगा और उसे ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व गतिमति से मुनिशन किया गया हो ।

24. न्यापन के भविष्य निधि नियमों में निर्दिष्ट किसी वात के होने हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है यह पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर गमपहरण की दर आदि सांविधिक योजना के अन्तर्गत दी गई दरों की तुलना में कम अनुकूल है तो अन्तर का वहन नियोक्ता द्वारा किया जायेगा ।

25. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित गति वर्ते विस्तृत लेप्तों के रख-ख्यात, विवर प्रस्तुति जारी, गणितों का अन्तरण शामिल है, तहत नहीं ।

26. नियोक्ता सम्बिल प्राधिकारी द्वारा अन्तर्गत निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमा की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा ।

27. "रामुनित सम्भाल" स्थापना भी जारू छूट पर और शर्त लगा सकती है ।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना वर्ष जिसमें उसकी स्थापना प्रारंभ है, पर अशावधी की दर बढ़ायी जाती है, नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले नाभी भी स्थापना की स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के भाग किसी भी ब्राह्मण से कानून हों ।

29. उक्त शर्तों में से किसी एक के उन्नतंत्र पर छूट रद्द की जा सकती है ।

[सं० प्र०-35015(5)/90प्र०म०-2]

S.O. 675.—Whereas Messrs. International Data Management Private Limited, Safed Pool, Sir M. Vasani Road, Bombay-400072, including its plants at Bombay and Calcutta and the branches at Bombay, Calcutta, New Delhi, Madras, Bangalore, Ahmedabad (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in the schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees' Provident Funds Scheme, 1952.

4. Any amendment to the said scheme this is more beneficial to the employees than the existing rules of the estab-

lishment shall be made applicable to them automatically no amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees [as defined in section 2(f) of the said Act] who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balance in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for any delay in payment of the contributions in the same manner as an unexempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Scheduled Bank under the Credit control of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a serial-wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue passbooks to every employee. These passbooks shall remain in the custody of the employees and will be brought up to date by the Board on presentation by the employees.

19. The account of each employee shall be credited interest calculated on the opening balance as on the 1st day of the accounting year at such date may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, than the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employers' contribution in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the provident fund rules of the establishment, if on the cessation of any individual, from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution, rate of forfeiture etc. under the provident fund rules of the establishment are less favourable as compared to those under the statutory scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of Accounts, submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015(5)/90-SS-II]

का.आ. 676.—यतः मैमर्स विहिया (हिंडिया) लि० (के. एन./4063), 8/9 मेल दमकुर रोड, बगलौर-५६००७३, और बगलौर एवं पारन्तपुर (ग्रान्थ प्रदेश) निष्ठ फैक्ट्रीय

तथा बंगलौर, बड़ौदा, भोपाल, बम्बई, कलकत्ता, चंडीगढ़, धनबाद, हैदराबाद, जमशेदपुर, मद्रास, नागपुर, नई दिल्ली एवं पूना स्थित शाखाएं (इसके आगे जहां कहीं भी उक्त स्थापना गब्द का प्रयोग हो इससे अभिप्राय: उक्त स्थापना से है) ने कर्मचारी भविष्य निधि और प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) इसके आगे उक्त अधिनियम के नाम से निर्दिष्ट को धारा 17 की उपधारा (1) के खंड (क) के अन्तर्गत छूट प्राप्त करने के लिए आवेदन किया है।

यह केन्द्र सरकार की राय में उक्त स्थापना के कर्मचारियों के लिए तैयार किए गए भविष्य निधि नियमों में अंशदान की वर उक्त अधिनियम की धारा 6 में उल्लिखित कर्मचारी अंशदान की दर से कम नहीं है तथा इसके कर्मचारियों को मिलने वाले भविष्य निधि लाभ उक्त अधिनियम तथा कर्मचारी भविष्य निधि स्कीम, 1952 (इसके आगे जहां कहीं भी स्कीम बन्द का प्रयोग किया गया है उससे अभिप्राय उक्त स्कीम से है) में उल्लिखित लाभों से किसी भी प्रकार से कम नहीं है जो इस बर्ग की स्थापनाओं में कार्यरत कर्मचारियों को उपलब्ध है।

अब इसलिए उक्त अधिनियम की धारा 17 की उपधारा एक के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और सलन अनुसूची में वर्णित शर्तों के अधीन केन्द्रीय सरकार इसके द्वारा उक्त स्थापना को उक्त स्कीम के सभी उपबंधों के लागू होने से छूट प्रदान करती है।

अनुसूची

1. उक्त स्थापना से सबधित नियोक्ता केन्द्र सरकार के द्वारा समय समय दिए गए निरेश के अनुसार उक्त अधिनियम की धारा 17 की उपधारा (3) के खंड (क) में उल्लिखित निरीक्षण के लिए सुविधाएं प्रदान प्रदान करेगा और ऐसे निरीक्षण प्रभार की अवश्यगी प्रत्येक माह की समाप्ति के 15 दिन के अन्वर करेगा।

2. न छूट प्राप्त स्थापनाओं के संबंध में उक्त अधिनियम और उसके अधीन सूजित उक्त स्कीम के अन्तर्गत देय अंशदान की दर से स्थापना के भविष्य निधि नियमों के अन्तर्गत देय अंशदान का दर किसी समय भी कम न होगा।

3. वेष्यगियों के मामले में छूट प्राप्त स्थापना की स्कीम कर्मचारी भविष्य निधि स्कीम, 1952 से कम हितकर नहीं होगी।

4. उक्त स्कीम में कोई भी संशोधन जो स्थापना के बर्तमान नियमों से अधिक लाभकारी है उन पर अपने आप लागू किया जाएगा। उक्त स्थापना के भविष्य निधि नियमों में कीई भी संशोधन, क्षेत्रीय भविष्य निधि आयुक्त की पूर्व अनुमति के बर्गे नहीं किया जाएगा और जहां किसी संशोधन से उक्त स्थापना के कर्मचारियों के हित के प्रतिकूल प्रभावी होने की संभावना है वहां अपनी अनुमति

देने से पूर्व, क्षेत्रीय भविष्य निधि आयुक्त, कर्मचारियों को अपने नियोक्ता प्रस्तुत करने का उचित अवगत देगा।

5. यदि स्थापना की छूट न दी जाती तो वे सभी कर्मचारी (जैसे उक्त अधिनियम की धारा 2(च) में निश्चित किया गया है) जो सदस्य बनने के पात्र होते, सदस्य बनाए जाएंगे।

6. जहां एक कर्मचारी जो कर्मचारी भविष्य निधि (कानूनी) या किसी अन्य छूट प्राप्त स्थापना का पहले से सदस्य है, को अपनी स्थापना में काम पर लगाया जाता है तो नियोक्ता उसे निधि का तुरन्त सदस्य बनाएगा और ऐसे कर्मचारी के पछले नियोक्ता के पास भविष्य निधि लेखे में संचयों को अंतरित कराने और उसके लेखे में जमा कराने की व्यवस्था करेगा।

7. केन्द्रीय भविष्य निधि आयुक्त के द्वारा अथवा केन्द्रीय सरकार के द्वारा जैसे भी मामला हो, समय समय पर दिए गए निवेशों के अनुसार भविष्य निधि के प्रबन्ध के लिए नियोक्ता न्यासी बोर्ड की स्थापना करेगा।

8. भविष्य निधि, न्यासी बोर्ड में निहित होगा जो अन्य बातों के होते हुए भविष्य निधि में आय के उचित लेखों और भविष्य निधि से अदायगियों और उनकी अभिरक्षा में शेषों के लिए कर्मचारी भविष्य निधि संगठन के उत्तरदायी होगा।

9. न्यासी बोर्ड कम से कम 3 माह में एक बार बैठक करेंगे और केन्द्र सरकार द्वारा समय समय पर जारी किए गए मार्ग निर्देशों के अनुसार कार्य करेंगे। केन्द्रीय भविष्य निधि आयुक्त को अधिकार होगा कि वह किसी अन्य योग्य लेखा परीक्षक के खातों को दुवारा लेखा परीक्षा कराए और ऐसे पुनः लेखा परीक्षा के बर्च नियोक्ता बहन करेगा।

10. न्यासी बोर्ड द्वारा रखे गए भविष्य निधि लेखे अर्हता प्राप्त निष्क्रिय चार्टर्ड अकाउन्टेन्ट द्वारा वार्षिक लेखा परीक्षा के अध्यधीन होंगे। जहां आवश्यक समझा जाए, केन्द्रीय भविष्य निधि आयुक्त को किसी अन्य अर्हता प्राप्त लेखा परीक्षक द्वारा लेखों की पुनः लेखा परीक्षा कराने का अधिकार होगा और इस पर हुआ व्यय नियोक्ता द्वारा बहन किया जायेगा।

11. प्रत्येक वर्ष स्थापना के लेखा परीक्षित तुलनपत्र के साथ लेखापरीक्षित वार्षिक भविष्य निधि लेखों की एक प्रति वित्तीय वर्ष की समाप्ति के छ: माह के अन्दर क्षेत्रीय भविष्य निधि आयुक्त को प्रस्तुत की जाएगी। इस प्रयोजनावर्ष के लिए भविष्य निधि का वित्तीय वर्ष पहली अप्रैल से 31 मार्च सक होगा।

12. नियोक्ता प्रतिमाह भविष्य निधि में देय अपने कर्मचारियों के अंशदानों की आगामी माह की 15 तारीख तक न्यासी बोर्ड को अंतरित कर देगा। अंशदानों की विलम्ब से अवश्यगी करने के लिए समान परिस्थितियों में नियोक्ता

नुकसानी देने का उसी प्रकार उत्तरदायी होगा जिस प्रकार एक न-छूट स्थापना उत्तरदायी होती है।

13. न्यासी बोर्ड सरकार द्वारा समय समय दिए गए निवेशों के अनुसार निधि में जमा राशियों का निवेश करेगा। प्रतिभूतियां न्यासी बोर्ड के नाम पर प्राप्त की जाएंगी और भारतीय रिजर्व बैंक के जमा नियन्त्रण में अनुसूचित बैंक की अधिकारिकाएं रखा जाएंगा।

14. सरकार के निवेशों के अनुसार निवेश न करने पर न्यासी बोर्ड अलग रूप से और एक साथ केन्द्रीय भविष्य निधि आयुक्त या उसके प्रतिनिधियों द्वारा लगाए गए अधिक प्रभार का उत्तरदायी होगा।

15. न्यासी बोर्ड एक वस्तु व्यौरा रजिस्टर तैयार करेगा और व्याज और विमोचन आय को समय पर वसूली मुनिश्चित करेगा।

16. जमा किए गए अंशदानों, निकाले गए और प्रत्येक कर्मचारी से संबंधित व्याज को दिखाने के लिए न्यासी बोर्ड विस्तृत लेखे तैयार करेगा।

17. वित्तीय/लेखा वर्ष की समाप्ति के छ: माह के अन्दर बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण जारी करेगा।

18. बोर्ड प्रत्येक कर्मचारी को वार्षिक लेखा विवरण के स्थान पर पास बुक जारी कर सकता है। ये पास बुकों कर्मचारियों की अधिकारिकाएं में रहेंगी और कर्मचारियों के प्रस्तुती-करण पर बोर्ड के द्वारा इन्हें प्रदान किया जायेगा।

19. लेखा वर्ष के पहले दिन आविष्कार पर प्रत्येक कर्मचारी के लेखे में व्याज उस दर से जमा किया जाएगा जिसका न्यासी बोर्ड निर्णय करे परन्तु यह उक्त स्कीम के पैरा 60 के अन्तर्गत केन्द्रीय सरकार द्वारा घोषित दर से कम नहीं होगा।

20. यदि न्यासी बोर्ड केन्द्रीय सरकार द्वारा घोषित व्याज की दर इस कारण से कि निवेश पर आय कम है या किसी अन्य कारण से अदा करने में असमर्थ है तो इस कमी को नियोक्ता पूरा करेगा।

21. नियोक्ता भविष्य निधि की छोरी के कारण, लूट खोसोट खायानत, गबन अथवा किसी अन्य कारण से हुई हानि को पूरा करेगा।

22. नियोक्ता और न्यासी बोर्ड, क्षेत्रीय भविष्य निधि आयुक्त को ऐसी विवरणियां प्रस्तुत करेगा जो समय-समय पर केन्द्रीय सरकार/केन्द्रीय भविष्य निधि आयुक्त निर्धारित करें।

23. उक्त स्कीम के पैरा 69 की शैली पर किसी कर्मचारी को निधि के सम्बन्ध में नियोक्ताओं के अंशदानों को जब्त करने की व्यवस्था है तो न्यासी बोर्ड इस प्रकार जब्त की गई राशियों का अलग से लेखा तैयार करेगा और उसे

ऐसे प्रयोजनों के लिए उपयोग करेगा जो केन्द्रीय भविष्य निधि आयुक्त की पूर्व अनुमति से सुनिश्चित किया गया हो।

24. स्थापन के भविष्य निधि नियमों में निविष्ट किसी बात के होने हुए भी यदि किसी व्यक्ति की सेवा निवृत्ति होने के फलस्वरूप या किसी अन्य प्रतिष्ठान में नौकरी करने पर निधि की सदस्यता समाप्त हो जाती है यह पता लगता है कि प्रतिष्ठान के भविष्य निधि नियमों के अन्तर्गत अंशदान की दर सम्पहरण की दर आदि सांविधिक योजना के अन्तर्गत वीर्य दरों की तुलना में कम अनुकूल हैं तो अन्तर का बहन नियोक्ता द्वारा किया जायेगा।

25. नियोक्ता, भविष्य निधि के प्रशासन से संबंधित सभी खर्चों जिसमें लेखों के रखरखाव रिटर्न प्रस्तुत किए जाने, राशियों का अन्तरण शामिल है, बहुन करेगा।

26. नियोक्ता समुचित प्राधिकारी द्वारा अनुमोदित निधि के नियमों की एक प्रति तथा जब भी कोई संशोधन होता है, उसकी मुख्य बातों को कर्मचारियों के बहुमत की भाषा में अनुवाद करके स्थापना के बोर्ड पर लगाएगा।

27. "समुचित सरकार" स्थापना की जालू छूट पर और शर्तें लगा सकती हैं।

28. यदि उक्त अधिनियम के अन्तर्गत स्थापना ग्रंथि जिसमें उसकी स्थापना आती है, पर अंशदान की दर बढ़ायी जाती है नियोक्ता भविष्य निधि अंशदान की दर उचित रूप में बढ़ाएगा, ताकि उक्त अधिनियम के अन्तर्गत दिए जाने वाले लाभों से स्थापना की स्कीम के अन्तर्गत दिए जाने वाले भविष्य निधि के लाभ किसी भी प्रकार से कम न हों।

29. उक्त शर्तों में से किसी एक के उल्लंघन पर छूट रद्द की जा सकती है।

[संख्या एस-35015(4)/90-सम्पु-2]

S.O. 676.—Whereas Messrs. Widia (India) Limited, (KN/4063) 8/9th Mile Tumkur Road, Bangalore-560073, including its factories at Bangalore and Patancheruvu (Andhra Pradesh) and Branches at Bangalore, Baroda, Bhopal, Bombay, Calcutta, Chandigarh, Dhanbad, Hyderabad, Jamshedpur, Madras, Nagpur, New Delhi, and Pune, (hereinafter referred to as the said establishment) has applied for exemption under clause (a) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the said Act);

And whereas in the opinion of the Central Government the rules of the Provident Fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits which on the whole are not less favourable to the employees than the benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the said scheme) in relation to the employees in any other establishment of a similar character;

Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act

and subject to the conditions specified in the schedule annexed hereto the Central Government hereby exempts the said establishment from the operation of all the provisions of the said Scheme.

SCHEDULE

1. The employer in relation to the said establishment shall provide for such facilities for inspection and pay such inspection charges as the Central Government may from time to time direct under clause (a) of sub-section (3) of section 17 of said Act within 15 days from the close of every month.

2. The rate of contribution payable under the provident fund rules of the establishment shall at no time be lower than those payable under the said Act in respect of the unexempted establishments and the said Scheme framed thereunder.

3. In the matter of advances, the scheme of the exempted establishment shall not be less favourable than the Employees Provident Fund Scheme, 1952.

4. Any amendment to the said scheme this is more beneficial to the employees than the existing rules of the establishment shall be made applicable to them automatically no amendment of the rules of the provident fund of the said establishment shall be made without the previous approval of the Regional Provident Fund Commissioner and where any amendment is likely to affect adversely the interest of the employees of the said establishment, the Regional Provident Fund Commissioner shall, before giving his approval, give a reasonable opportunity to the employees to explain their point of view.

5. All employees [as defined in section 2(f) of the said Act] who would have been eligible to become members of the Provident Fund had the establishment not been granted exemption shall be enrolled as members.

6. Where an employee who is already a member of the Employees' Provident Fund (Statutory) or a Provident Fund of any other exempted establishment is employed in his establishment, the employer shall immediately enrol him as a member of the fund and arrange to have the accumulations in the provident fund account of such employee with his previous employer transferred and credited to his account.

7. The employer shall establish a Board of Trustees for the management of the provident fund according to such directions as may be given by the Central Provident Fund Commissioner or by the Central Government, as the case may be, from time to time.

8. The provident fund shall vest in the Board of Trustees who will be responsible for and accountable to the Employees' Provident Fund Organisation inter-alia for proper accounts of the receipts into and payments from the Provident Fund and the balance in their custody.

9. The Board of Trustees shall meet at least once in every three months and shall function in accordance with the guidelines that may be issued from time to time by the Central Government/Central Provident Fund Commissioner or an officer authorised by him.

10. The accounts of the Provident Fund maintained by the Board of Trustees shall be subject to audit by a qualified independent Chartered Accountant annually. Where considered necessary, the Central Provident Fund Commissioner shall have the right to have the accounts re-audited by any other qualified auditor and the expenses so incurred shall be borne by the employer.

11. A copy of the audited annual provident fund accounts together with the audited balance sheet of the establishment for each accounting year shall be submitted to the Regional Provident Fund Commissioner within six months after the close of the financial year. For this purpose the financial year of the provident fund shall be from the 1st of April to the 31st of March.

12. The employer shall transfer to the Board of Trustees the contributions payable to the Provident Fund by himself and the employees by the 15th of each month following the month for which the contributions are payable. The employer shall be liable to pay damages to the Board of Trustees for

any delay in payment of the contributions in the same manner as an un-exempted establishment is liable under similar circumstances.

13. The Board of Trustees shall invest the monies in the fund as per directions that may be given by the Government from time to time. The securities shall be obtained in the name of the Board of Trustees and shall be kept in the custody of a Schedules Bank under the Credit Central of the Reserve Bank of India.

14. Failure to make the investments as per directions of the Government shall make the Board of Trustees severally and jointly liable to surcharge as may be imposed by the Central Provident Fund Commissioner or his representative.

15. The Board of Trustees shall maintain a serial-wise register and ensure timely realisation of interest and ensure timely realisation of interest and redemption proceeds.

16. The Board Trustees shall maintain detailed accounts to show the contributions credited, withdrawal and interest in respect of each employee.

17. The Board shall issue an annual statement of account to every employee within six months of the close of financial accounting year.

18. The Board may, instead of the annual statement of accounts, issue passbooks to every employee. These passbooks shall remain in the custody of the employees and will be brought up to date by the Board on presentation by the employees.

19. The account of each employee shall be credited interest calculated on the opening balance as on the 1st day of the accounting year at such date may be decided by the Board of Trustees but shall not be lower than the rate declared by the Central Government under para 60 of the said Scheme.

20. If the Board of Trustees are unable to pay interest at the rate declared by the Central Government for the reason that the return on investment is less or for any other reason, than the deficiency shall be made good by the employer.

21. The employer shall also make good any other loss that may be caused to the Provident Fund due to theft, burglary, defalcation, misappropriation or any other reason.

22. The employer as well as the Board of Trustees shall submit such returns to the Regional Provident Fund Commissioner as the Central Government/Central Provident Fund Commissioner may prescribe from time to time.

23. If the Provident Fund rules of the establishment provide for forfeiture of the employers' contribution in cases where an employee ceases to be a member of the fund on the lines of para 69 of the said Scheme, the Board of Trustees shall maintain a separate account of the amounts so forfeited and may utilise the same for such purposes as may be determined with the prior approval of the Central Provident Fund Commissioner.

24. Notwithstanding anything contained in the provident fund rules of the establishment, if on the cessation of any individual, from the membership of the fund consequent on retiring from service or on taking up the employment in some other establishment, it is found that the rate of contribution, rate of forfeiture etc. under the provident fund rules of the establishment are less favourable as compared to those under the statutory scheme, the difference shall be borne by the employer.

25. The employer shall bear all the expenses of the administration of the Provident Fund including the maintenance of Accounts submission of returns, transfer of accumulations.

26. The employer shall display on the notice board of the establishment, a copy of the rules of the fund as approved by the appropriate authority and as and when amended thereto alongwith a translation of the salient points thereof in the language of the majority of the employees.

27. The "appropriate Government" may lay down any further conditions for continued exemption of the establishment.

28. The employee shall enhance the rate of provident fund contributions appropriately if the rate of provident fund contribution for the class of establishments in which his establishment falls is enhanced under the said Act so that the benefits under the Provident Fund Scheme of the establishment shall not become less favourable than the benefits provided under the said Act.

29. The exemption is liable to be cancelled for violation of any of the above conditions.

[No. S-35015(4)/90-SS-II]

नई दिल्ली, 15 फरवरी, 1990

का. आ. 677.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन्ड्रारा 1-3-90 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध परिच्छ वंगाल राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे, अर्थात् :—

“हल्दिया के अधिमूचित क्षेत्र”

[संख्या एस-38013/4/90-एस एस 1]

New Delhi, the 15th February, 1990

S.O. 677.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st March, 1990 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already brought into force) and Chapters V and VI (except sub-section (1) of section 76 and 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of West Bengal namely :—

‘Haldia Notified Area’.

[No. S-38013/4/90-SS.I]

नई दिल्ली, 22 फरवरी, 1990

का. आ. 678.—कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एन्ड्रारा 1-3-90 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 और (धारा 44 और 45 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) और अध्याय 5 और 6 (धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है) के उपबन्ध तमिलनाडु राज्य के निम्नलिखित क्षेत्र में प्रवृत्त होंगे अर्थात् :—

“धरमापुरी जिला के कृष्णगिरी तालुक में कृष्णगिरी नगर पालिका और राजस्व ग्राम अगसीपल्ली, वैयनापल्ली, बिल्लानाकुप्पम, देवासमुद्रम, गुनाडारापल्ली, कट्टीनेयनापल्ली, कालकुरुक्की, कावेरीपटनम, तुडानापल्ली, पेरीयामुथूर, पेडाथानापल्ली, मारीगमगल्ली, कोथारेट्टाह, ओरेप्पा, मुन्देकुप्पम और सूलामलाई के सीमा के अन्तर्गत आने वाले क्षेत्र”।

[सं. एस-38013/6/90-एस एस-1]

New Delhi, the 22nd February, 1990

S.O. 678.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 1st March, 1990 as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already brought into force) and Chapters V and VI (except sub-section (1) of section 76 and 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following areas in the State of Tamil Nadu namely :—

“Areas comprising within the Krishnagiri Municipal Limits and the revenue villages of Agasipalli, Baiyanapalli (Byanapalli), Billana-Kuppam, Devasamudram, Gundarapalli, Kattinayanapalli, Kallukurukkli (Kallugurukkli), Kaveripatnam, Pedjanapalli, Periamuthur (Parivamuthur), Peddathalappalli, Marigampalli (Marickampalli), Kothapettah, Orapam, Sundekuppam and Soolamalai (Sulamalai) in Krishnagiri Taluk in District Dharmapuri.”

[No. S-38013/6/90-SS.I]

नई दिल्ली, 27 फरवरी, 1990

का. आ. 679.—केन्द्रीय सरकार ने कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के खण्ड (ग) के प्रनुसरण में श्री बलदेव महाजन के स्थान पर श्री पी. जी. लेले, विनीय सलाहकार, श्रम मंत्रालय को कर्मचारी राज्य बीमा नियम में मदत्य के रूप में नामनिर्दिष्ट किया है :—

अतः श्री केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 4 के अनुसरण में, श्री पी. जी. लेले, विनीय सलाहकार, श्रम मंत्रालय को कर्मचारी राज्य बीमा नियम में मदत्य के रूप में नामनिर्दिष्ट किया है, अर्थात् :—

उक्त अधिसूचना में “केन्द्रीय सरकार द्वारा धारा 4 के खण्ड (ग) के अधीन नामनिर्दिष्ट” शीर्षक के नीचे मद 4 के सामने की प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि रखी जाएगी, अर्थात् :—

श्री पी. जी. लेले
विनीय सलाहकार,
श्रम मंत्रालय,
भारत सरकार,
नई दिल्ली।

[संख्या यू-16012/6/89-एस. एस. 1]

ए. के. भट्टाराई, अवर सचिव

New Delhi, the 27th February, 1990

S.O. 679.—Whereas the Central Government has, in pursuance of clause (c) of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948) appointed Sh. P. G. Lele, Financial Adviser, Ministry of Labour as member of the Employees' State Insurance Corporation, in place of Sh. Baldev Mahajan;

Now, therefore, in pursuance of section 4 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour S.O. No. 545(E), dated the 25th July, 1985, namely :—

In the said notification, under the heading "[Nominated by the Central Government under clause (c) of section 4]", for the entry against Serial No. 4, the following entry shall be substituted namely :—

"Sh. P. G. Lcle,
Financial Adviser,
Ministry of Labour,
Government of India,
New Delhi.

[No. U-16012/6/89-SS.I]
A. K. BHATTARAI, Under Secy.

नई दिल्ली, 7 फरवरी, 1990

का. ना. 680.—आद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल लिमिटेड का गोन्हूडीह कोलियरी के प्रबन्धताल से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविल औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 2), धनबाद के पंचपट को प्रकाशित करती है।

New Delhi, the 7th February, 1990

S.O. 680.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Gondudih Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 221 of 1986

In the matter of an Industrial dispute under Section 10(1)(d) of the I. D. Act, 1947.

PARTIES :

Employers in relation to the management of Gondudih Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen.—Shri P. N. Dubey, Secretary, R.C.M.S.

On behalf of the employers.—Shri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dhanbad, the 19th April, 1989

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (3)/86-D.III(A), dated, the 4th July, 1986.

SCHEDULE

"Whether the action of the management of Gondudih Colliery of Kusunda Area-VI of M/s. Bharat Coking Coal Limited, Dhanbad in superannuating from service their workman, Shri Ram Bishun Singh, Time Keeper with effect from 18-10-1985 is justified ? If not, to what relief the concerned workman is entitled ?"

In this case instead of filing the W.S, both the parties appeared and filed a Joint Compromise petition. I heard them on the said petition of compromise and I do find

that the terms contained therein are fair, proper and beneficial to both the parties. Accordingly I accept the same and pass an Award in terms of the Joint Compromise Petition which forms part of the Award as Annexure.

I. N. SINHA, Presiding Officer
[No. L-20012(3)/86-D.III(A)/IR(Coal-I)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2 DHANBAD

In the matter of Reference No. 221/86.

PARTIES :

Employers in relation to Management of Gondudih Colliery, Kusunda Area, BCCL Post Office Kusunda, District Dhanbad.

AND

Their workmen

JOINT COMPROMISE PETITION OF THE WORKMEN AND THE EMPLOYER

The above mentioned employers and the workmen most respectfully beg to submit jointly as follows :—

- (1) That the employers and the workmen have jointly negotiated the matter covered by the above reference with a view to arriving at a mutually acceptable and amicable and overall settlement.
- (2) That as a result of such mutual negotiation the employers and the workmen have agreed to settle the matter covered by the above reference on an overall basis on the following terms and conditions :—
 - (a) It is agreed that the workmen|Sponsoring union including Sri Ram Bishun Singh, the workman concerned, forego their claim/demand as contained in the terms of reference vide Notification as incorporated in Notification No. L-20012(2)/86-D.III(A) dated 4-7-86 of the Ministry of Labour.
 - (b) It is agreed that the employers have already provided employment to Sri Raj Kumar Singh, son of Ram Bishun Singh, the workman concerned in Clerical Gr. II with effect from 14-12-88 in view of the understanding already reached with the Sponsoring Union|workman concerned as indicated in Para (a) above.
 - (c) It is agreed that this is an overall settlement in respect of all the claims of the sponsoring union and the workman concerned Sri Ram Bishun Singh arising out of the above reference.
- (3) That the employers and the workmen consider and jointly declare hereby that the aforesaid terms of settlement are fair, just and reasonable to both the parties.

In view of the above, the employers and the workmen|Sponsoring Union jointly pray that the Hon'ble Tribunal may be pleased to accept this Joint Compromise petition and give an award accordingly..

And for this the employers and the workmen shall as in duty bound ever pray.

(PN Dubey)
Secretary
RCMS, Gondudih Branch
for & on behalf of the
workmen.

(Raj Kumar Singh).

U. GHOSH, General Manager,
Kusunda Area, BCCL
for and on behalf of the employer
S. P. SINGH, Personnel Manager.

ग्रन्ति-पत्र

नई दिल्ली, 9 फरवरी, 1990

का. ना. 681.—इस मंत्रालय की तारीख 11-9-89
की अधिसूचना संख्या-एल-24012/14/87-डी-4 (बी) प्राई.

आर. (कोल-1) के त्रैम में, केन्द्रीय सरकार, डी. बी. सी., बर्मो माइन्स, बर्मो के प्रबन्धनतंत्र और उनके कर्मकारों के बीच, जैसा कि अनुबंध में निर्दिष्ट है, औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, संख्या-2, धनबाद के पंचाट के संशोधित आपरेटिव भाग को प्रकाशित करती है, जिसको पंचाट के पूर्व आपरेटिव भाग के स्थान पर प्रतिस्थापित किया जाए।

के. जे. देव प्रसाद

[म. एल-24012/4/87 डी-4(बी)/आई.आर. (क)]

CORRIGENDUM

New Delhi, the 9th February, 1990

S.O. 681.—In continuation of this Ministry's notification No. L-24012(14)/87-D.IV(B)/IR(Coal-I) dated 11-9-89, the Central Government hereby publishes the revised operative portion of the award of the Central Government Industrial Tribunal No. II, Dhanbad as shown in the annexure, which may be substituted in place of the original operative part of the award, in the industrial dispute between the employers in relation to the management of D.V.C. Bermo Mines, Bermo and their workmen.

In the result, I hold that the action of the management of D.V.C. Mines, Bermo in denying promotion/regularisation of the concerned workmen S/ Shri Jagarnath, Sita Ram, Mani Ram, Banshidhar and Jainer Das, Surface Sirdars as Loading Supervisor Grade-G under NCWA-III is legal and justified and accordingly the concerned workmen are entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-24012(14)/87-D.IV(B)/IR(Coal-I)]
तर्फ दिल्ली, 13 फरवरी, 1990

का. आ. 682.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिं कोल लि. की स्वांग वाणी के प्रबन्धनतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण (सं. 1), धनबाद के पंचपट को प्रकाशित करती है।

New Delhi, the 13th February, 1990

S.O. 682.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Swang Washery of M/s. Bharat Coking Coal Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(i)(d)(2A) of the Industrial Disputes Act, 1947.

Reference No. 91 of 1988

PARTIES :

Employers in relation to the management of Swang Washery of M/s. Central Coalfields Ltd.

AND

Their Workmen

PRESENT :

Shri S. K. Mitra, Presiding Officer.

APPEARANCES :

For the Employers—Shri R. S. Murty, Advocate.

For the Workmen—Shri M. K. Sengupta, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, the 12th January, 1990

AWARD

By Order No. L-24012(242)/87-D.IV(B), dated the 21st July, 1988, the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of section 10 of the Industrial

Disputes Act, 1947, has referred the following dispute for adjudication to this Tribunal:

"Whether the action of the management of Swang Washery of M/s. Central Coalfields Ltd. in not placing Sri Chandeshwar Prasad in Category VI Mech/Fitter with effect from 1-3-84 is justified? If not, to what relief the workman concerned is entitled?"

2. The case of the management of Swang Washery of M/s. Central Coalfields Ltd., as appearing from the written statement submitted by it, details apart, is as follows:

The present reference is not maintainable as it is manifest that the appropriate Government has made this reference without proper application of mind. The substantive case of the management is that Chandeshwar Prasad, the concerned workman, was entertained by the management of M/s. C.C. Ltd., initially as a trainee subject to the condition that he would be paid daily rated Category-I wages during the period of training. He was so entertained under the Training Scheme of the management for I.T.I. trainee with effect from 30-4-77. He belonged to Fitter's trade. According to the aforesaid training system of the management for I.T.I. passed candidates, he was placed in daily rated Category II after one year and thereafter promoted to Category IV with effect from 30-4-79 after another year. Such promotions to Category IV were subject to I.T.I. passed trainees being found fit. After placement in Category IV, the I.T.I. passed candidates were to take their chance to further higher posts in the normal course according to the existing systems of the management along with others subject to selection on the basis of merit and seniority. The concerned workman was later promoted to daily rated Category V with effect from 8-11-82 and then again he was allowed to officiate in the post of Mech/Fitter Category VI with effect from 17-2-86. In Swang Washery there are some other I.T.I. passed trainees who were put in stream of operators. A dispute arose in regard to some such operators between the management and recognised union, Rashtriya Colliery Mazdoor Sangh over their regularisation. It was agreed that the dispute would be referred to joint arbitration of an officer of the management and an office bearer of the R.C.M.S. along with some other issues by a memo of settlement dated 5-1-83. The Arbitrators heard the parties, considered the contentions of the management and the union and decided and directed that the operators concerned should be given the difference of wages between what they were getting and the post of Grade-I operator in daily rated Category VI from the date of creation of higher posts or from 1-3-1984 whichever was later till their officiating promotion to the post of Grade I operator. The Award was implemented by the management. The union has claimed that since one of the operators, Sri A. K. Halder, who was entertained as trainee in the same batch as the concerned workman, was given the same benefit from 1-3-84, the concerned workman should also be given that benefit. The management could not accept this demand as the case of Sri Halder who was an operator was entirely different from that of the concerned workman who is a Mech/Fitter. Further, there is no comparison between their skills, duties and responsibilities and the demand for placing the concerned workman on the same footing as Sri Halder is thoroughly misconceived, baseless and unjustified. In view of these facts and circumstances, the management is not required to place the concerned workman in Category VI Mech/Fitter with effect from 1-3-84 and its refusal to do so is fully justified.

3. The case of the sponsoring union, Koyala Mazdoor Union, as appearing from the written statement submitted on behalf of the concerned workman, briefly stated, is as follows:

Chandeshwar Prasad, the concerned workman, is a permanent workman of Swang Washery of M/s. C.C. Ltd. He was originally appointed as trainee in Cat. IV on 30-4-77. He is an I.T.I. certificate holder in Fitter trade, and as per Cadre Scheme/Promotion Rules for Electrical and Mechanical disciplines, he was eventually and gradually promoted and his scale of pay was fixed in Category VI with effect from 17-2-86. He is fully acquainted with all kinds of operations and maintenance of machines of Swang Washery; he is able to work various types of machinery works in which capacity he has worked in the mechanical discipline of Swang Washery even before he was confirmed in the pay

scale of Category VI on 17-2-86. Sri A. K. Halder who is his counter part and similarly employed and later designated as operator having knowledge only to operate a machine has been allowed Category VI wages with effect from 1-3-84 whereas he having knowledge of both the operation and maintenance of machine which involves higher skill than that of operator, has been allowed Category VI wages with effect from 17-2-86. Besides, Sri A. K. Halder is much junior to him in the matter of performance in mechanical discipline of Swang Washery. Despite repeated representation made by him and his union to the management for his placement in Category VI with effect from 1-3-86 as Sri A. K. Halder has been placed, his case has not received any consideration. The sponsoring union took up the matter in conciliation with the management before Asstt. Labour Commissioner (C) Hazaribagh, but due to the apathetic and adamant attitude of the management the conciliation proceeding ended in a failure. During the conciliation proceeding the union was prepared to the proposal of the arbitration under the Industrial Disputes Act, 1947 as suggested by the A.L.C.(C), Hazaribagh, but the management flatly refused the same in disregard to the code of discipline in industry. The management agreed in the matter of arbitration with some of their workmen represented by R.C.M.S. in the matter of fixation of pay of Sri A. K. Halder and others and that too with retrospective effect from 1-3-84. But the management has refused to do so when the case of the concerned workman was sponsored by the present union. This is a clear case of discrimination. The Central Government being satisfied about the merit of the case has been pleased to refer the dispute for adjudication by this Tribunal. In the circumstances, the union has submitted that refusal of the management in placing the concerned workman in Category VI as Mech/Fitter with effect from 1-3-84 is discriminatory, unfair and unjustified and prayed that the concerned workman be placed in Category VI with effect from 1-3-84 with consequential benefits.

4. In rejoinder to the written statement of the sponsoring union, the management has stated that the concerned workman does the job of Mech/Fitter only. It has been asserted that Sri A. K. Halder is also capable of doing maintenance work as the other operators. Furthermore, the operators stand on a separate footing from Mech/Fitters in the Washery. Sri A. K. Halder was given Category VI wages with effect from 1-3-84 on the basis of arbitration award and the concerned workman cannot claim such benefit. It has been asserted that the conciliation proceeding ended in a failure due to unreasonable and untenable demand of the union. The management is not abliged to accept arbitration under the Code of Discipline in industry and the allegation of discrimination is false. As a matter of fact the management did not find any merit in arbitration in the present case.

5. In rejoinder to the written statement of the management, the sponsoring union has asserted that since the management refused to accept the demand of the union, the present industrial dispute is perfectly maintainable. The union has asserted that the concerned workman should be placed in Category VI with effect from 1-3-84 and refusal of the management to do so is unjust, unfair and has no rational basis.

6. The management has examined only one witness, namely, MW-1 Amjad Ali, at present Senior Executive Engineer (E&M) and laid in evidence a series of documents which have been marked Exts. M-1 to M-4. On the other hand, the sponsoring union has examined the concerned workman as WW-1 and Adesh Kumar Singh, at present posted as Upper Division Clerk and Area Asstt. Secretary of Koyla Mazdoor Union operating in Swang Washery as W.W. 2 and laid in evidence a number of documents which have been marked Exts. W-1 to W-5.

7. It is an undeniable position that both the concerned workman, Sri Chandeshwar Prasad, and Sri A. K. Halder passed I.T.I. examination and joined Swang Washery as trainees. Sri Chandeshwar Prasad, it appears from the service-sheet, was appointed on 30-4-77 as a trainee in Category I and Sri A. K. Halder was appointed as trainee in Category I on electrical side on 23-4-77 (Ext. W-5). Thus, it appears that appointment of Sri A. K. Halder was earlier than Sri Prasad by a few days. Anyway, the management, put both of them under training and it is the case of the management not disputed by the sponsoring union, that the con-

cerned workman belongs to a fitter/trade. It is the further case of the management that according to the Training Scheme of the management for I.T.I. passed candidates in different trades, the concerned workman was placed in daily rated Category II after one year and thereafter promoted to Category IV with effect from 30-4-77. W.W.2 Sri A. K. Singh, Area Asstt. Secretary of the sponsoring union has stated in his testimony that upto Category V both of them Sri Prasad and Sri Halder got promotion simultaneously. But this statement Sri Singh is a bit inaccurate for, it appears from the service-sheet (Ext. W-5), that Sri Prasad got promotion in Category IV with effect from 30-4-79 while Sri Halder got promotion in the same Category with effect from 23-4-79. Anyway, it appears that both of them got promotion in Category V with effect from the same date i.e. 8-11-82 (Ext. M-2). But Sri Prasad got promotion in Category VI with effect from 17-2-86 while Sri Halder got promotion in that category on the basis of an arbitration agreement with effect from 1-3-84.

8. The management has tried to provide the *raison d'etre* for promotion of both these workmen from two different dates. MW-1 Amjad Ali, now working as Senior Executive Engineer (E&H) in the Washery, has stated that in Swang Washery machines are operated by operators and these operators are placed in Category IV, V and VI. Maintenance is done by maintenance operators and they are also placed in Category IV, V and VI. According to him, the operator's job is a special type of job which is done by operators and maintenance and repair are different type of job. He has testified that Sri Halder is holding the post of operator and he has been doing the operational job all along while Sri Chandeshwar Prasad, the concerned workman, has been working as maintenance fitter. According to him the seniority list of operators are prepared separately from that of maintenance fitters and the question of preparation of seniority list of these two categories of workmen in an omnibus pattern does not arise at all. He has asserted that the same system has been prevailing in Kathara Washery and that the name of the concerned workman and that of Sri A. K. Halder are not borne on the same seniority list. It has been suggested to the concerned workman by the management at the time of his examination in this Tribunal that on the demand of the union the management introduced two streams one for operational and other for maintenance. The concerned workman has of course denied this. But he was admitted that seniority list of both Category IV, V and VI workmen on operational cadre are prepared separately from that of workmen of mechanical side. But he has not admitted that seniority list of workmen on operational cadre is compared inter-se. He has further denied that the seniority list of workmen on mechanical fitter cadre is compared inter-se and that no comparison with regard to seniority is made with respect to workmen on operational cadre and workmen on mechanical cadre. As a matter of fact, the management has not laid out its case specifically in its written statement that the stream of operators and maintenance fitters are different and separate and that their promotional channel is also different. But that does not automatically lead to the conclusion that both the workmen Sri Chandeshwar Prasad and Sri A. K. Halder are entitled to get promotion simultaneously because it is evident that their scope for promotion is depended upon availability of post in cadres they have been placed. One of the claims of the concerned workman is that he is senior to Sri A. K. Halder in service. But I have pointed out from their respective service-sheet that the position is not really so. I have also shown that Sri Halder was promoted to Category IV, some days earlier than the concerned workman. Anyway, both of them got promotion in Category V with effect from the same date. But the concerned workman got promotion in Category VI with effect from 17-2-86 while Sri A. K. Halder got promotion in that category with effect from 1-3-84. This is apparently suggestive of some anomaly in the matter which really it is not.

9. Sri A. K. Halder along with others including S/Sri P. R. S. Pillai, M. M. Misra, M. Prasad, R. K. Singh and R. N. Sahu who got promotion in Category V along with the concerned workman with effect from 8-11-82 (Ext. M-2). It appears that Rashtrava Colliery Mazdoor Sangh demanded for regularisation of S/Sri A. K. Halder, P. R. S. Pillai, M. M. Misra, M. Prasad, R. K. Singh, R. N. Sahu along with others in Category VI as they were discharging the

duties of that post. The matter was referred to arbitration and by Arbitration Award (Ext. W-3) all of them were placed in Category VI with effect from 1-3-1984. Hence, it is not that the management promoted them straightway to Category VI ignoring the case of the concerned workman. The management had to regularise them in Category VI on the basis of Arbitration Award as they discharge the duties of higher post in Category VI much before 1-3-1984. So, the case of Sri A. K. Halder cannot be considered to be on the same footing with that of the concerned workman. Hence, the action of the management in not placing the concerned workman in Category VI with effect from 1-3-84 cannot be faulted.

10 Accordingly, the following award is rendered—the action of the management of Swang Washery of M/s. Central Coalfields Ltd. in not placing Sri Chandeshwar Prasad in Category VI Mech/Fitter with effect from 1-3-1984 is justified.

In the circumstances of the case, I award no cost.

S. K. MITRA, Presiding Officer
[No. L-24012(242)/87-D.IV(B)/IR(Ccal-I)]

नई दिल्ली, 15 फरवरी, 1990

का. आ. 683.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैरम्स भारत कोकिंग कोर्ट लिमिटेड की कुसुण्डा कोलियरी के प्रबन्धतंत्र में सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुवंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है।

New Delhi, the 15th February, 1990

S.O. 683.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Kusunda Colliery of M/s. Bharat Coking Coal Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 180 of 1986

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947.

PARTIES :

Employers in relation to the management of Kusunda Colliery of Messrs. Bharat Coking Coal Limited and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar INDUSTRY : Coal.

Dated, Dhanbad, the 19th May, 1988

AWARD

The Govt. of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/336/85-D.III(A), dated, the 1st May, 1988.

SCHEDULE

“Whether the demand of Coal Mines Engineering Workers’ Association for Technical Grade-A’ to Shri Arbindo Rana, Foreman in Kusunda Colliery of M/s. Bharat Coking Coal Limited with effect from 28-5-1983 is justified? If yes, to what relief the workman is entitled?”

The case of the workman is that the concerned workman Shri Arbindo Rana was appointed as an Electrician in Kusunda colliery of M/s. B.C.C.L. in the year 1971 after

obtaining the necessary qualification for the same. He had passed matriculation in 1966. In 1976 he passed the Electrical Supervisory examination from Patna. After passing Electrical Supervisory examination, as applied in 1976 for being upgraded in the post of Supervisor. On 29-11-76 he gave a representation to the G.M., Area No. VI which was highly recommended by the Manager and the Engineer of Kusunda colliery. On 10-1-78 he represented to the Dy. Personnel Manager, BCCl Karmik Bhawan as no action was taken on his representation either by the colliery or the area authorities. On the basis of the qualification of the concerned workman, the colliery Manager was taking work from him as Electrical Supervisor since 1976 and for the same he should have been paid pay of Technical Grade-A. The case of the concerned workman was considered for promotion by the D.P.C. which recommended his promotion as Foreman (Electrical) in Technical Grade-B on the basis of which he was promoted from Technical Grade-C to Technical Grade-B vide letter dated 6-4-84. The concerned workman filed his joining report as Foreman (Electrical) on 12-4-83 although he was not satisfied with his promotion order to Technical Grade-B. He approached the management for giving him proper Technical and Supervisory Grade-A, but the said demand was not accepted by the management. Thereafter he approached the General Secretary of the Coal mines Engineering Association for raising an industrial dispute and the said union took up his case before the management and thereafter before the RLC(C), Dhanbad. In the industrial dispute raised by the union of the concerned workman the conciliation was held and the management filed their written comment on 16-3-85 in which it was stated that the designation of Electrical Supervisor was given to the concerned workman as the Department of Mines recognises the post of Electrical Supervisor and not Foreman and hence he was given the designation of Electrical Supervisor. Thus the management declared before the D.G.M.S. that the concerned workman was working as Electrical Supervisor even before the promotion of the concerned workman as Foreman (Electrical). The management cannot now say that the concerned workman was not working as Electrical Supervisor and was rightly promoted as Foreman Electrical in Technical Grade-B, in 1983. The management had represented before the Mines department that the concerned workman was their electrical supervisor and now the management cannot be permitted to say that the concerned workman was doing a lesser job than the Electrical Supervisor. When the conciliation failed the present reference was made to this Tribunal for adjudication. On the above plea it is prayed by the workmen that the concerned workman should be given Technical and Supervisory Grade-A with effect from 28-5-83 with back wages.

The case of the management is that the concerned workman was working as Electrician at Kusunda Colliery. When he passed the Electrical Supervisorship examination and was eligible for his appointment on the supervisory post, he was appointed as Asstt. Foreman. The supervisory post on the Electrical and Mechanical side are (1) Asstt. Foreman, (2) Foreman and (3) Foreman Incharge. The Asstt. Foreman is put on Technical Grade-C. Foreman is given Technical Grade-B and the Foreman Incharge is given Technical Grade-A. For performance of the supervisory duties on the Electrical side it is necessary that an Electrician must possess the Electrical Supervisorship certificate under the Electricity rules. During the pre-wage-board period the machineries used in the mine were of simple type and therefore an Electrician could be directly appointed as Foreman Incharge after obtaining the Electrical Supervisorship certificate. With the advancement of Mines Techniques and introduction of complicated mining machineries it was not possible for an Electrician to be directly appointed as Foreman Incharge (Electrical) of a mine immediately after passing the Electrical Supervisorship certificate. The management appointed experienced electrical supervisors as Foreman Incharge and gave them the highest Technical and Supervisory Grade-A. In Each colliery several subordinate Electrical Supervisor designated as Foreman (Electrical) and Asstt. Foreman (Electrical) were placed in the charge of Foreman Incharge (Electrical) to assist him in carrying on supervisory duties on the Electrical side. The number of such supervisor personnel is decided depending upon the existence of mechanisation of the mines. The Foreman Incharges remains in charge of all the Electrical machineries equipment and electrical parts of a colliery. He excises con-

control over his subordinate supervisory staff mechanics, Electrical Fitters and helpers. Considering the duties and responsibilities of Foreman Incharge, he is placed in Technical and Supervisory Grade-A. The concerned workman is not working as Foreman Incharge of Kusunda Colliery. He was previously working as Asstt. Foreman in Technical Grade-C and was promoted to the post of Foreman in Technical Grade-B with effect from 12-4-83. The demand of the union for promotion of the concerned workman as Foreman Incharge in Grade-A with effect from 28-5-83 is therefore without any merit. The concerned workman is still holding subordinate supervisory post of Foreman (Electrical) and is performing subordinate supervisory duties on Electrical side subject to control and supervision of Foreman Incharge and he cannot claim Technical Grade-A. An Electrician after obtaining Electrical supervisorship certificate is designated as Electrical supervisor but he cannot be directly appointed as Foreman Incharge (Electrical) in Grade-A without requisite experience and without observing his performance as subordinate supervisor. The management has drawn up policy for recruitment in the cadre of Asstt. Foreman, Foreman and Foreman Incharge from departmental candidates after obtaining their requisite minimum qualification and experience. The management has also drawn up cadre scheme for promotion of Electrical and mechanical personnel. When the concerned workman will fulfill the condition of eligibility for promotion as per cadre scheme his case will be considered for promotion to Grade-A as Foreman Incharge Electrical. On the above facts it is submitted on behalf of the management that the demand of the concerned workman for Grade-A is without any basis and that the concerned workman is not entitled to any relief.

The only point to be considered in this case is whether the concerned workman is entitled to Technical Grade-A with effect from 28-5-83.

The workmen examined one witness and the management examined two witnesses in order to establish their respective case. The documents of the workman have been marked Ext. W-1 to W-15. The management did not file any document.

The case of the workmen is based on the fact that in 1975 the concerned workman obtained the certificate of Electrical Supervisor and that as the grade of Electrical Supervisor is in Technical Grade-A, he is entitled to Technical Grade-A from 28-5-83 since when he is working as supervisor.

It is admitted that formerly the concerned workman was appointed as Electrician and that when he passed the Electrical Supervisorship examination in 1976 he was promoted as Asstt. Foreman and was regularised and designated as Asstt. Foreman in Technical Grade-C vide office order Ext. W-10 dated 28-6-79. It is further admitted that the concerned workman was promoted from Asstt. Foreman in Technical Grade-C to the post of Foreman in Technical Grade-B vide office order dated 6/7/4-83. Ext. W-6 dated 12-4-83 is the Joining report of the concerned workman showing that he joined his post as Foreman (Electrical) from 12-4-83. In the cross-examination on 28-9-87 the concerned workman WW-1 has stated that in the cadre scheme there is Technical Grade-C and above it is Grade-B and above it is Grade-A in Supervisory Grade. He has further stated that presently a person who obtains electrical supervisorship certificate has to be first given Grade-C as Asstt. Foreman Electrical. He has stated that in 1979 he got Grade-C and in 1983 he got Grade-B. He was unable to say that the number of years of experience in Grade-B for the eligibility for promotion to Grade-A. He has stated that no D.P.C. has been held after he was given Grade-B. MW-1 is working as Executive Engineer in Kusunda Colliery since November, 1987. He has stated that the concerned workman is working as Foreman in Kusunda colliery and Harihar Rama is the Foreman Incharge (Electrical) in Kusunda colliery. He has stated that the three electrical engineers of Kusunda colliery supervise and control all the electrical machineries and that the Foremen Incharge, Foreman and Asstt. Foreman also supervises the Electrical work under their direction. He has stated that an Electrician obtaining the Electrical Supervisorship certificate is first given appointed as Asstt. Foreman Electrical and that the Asstt. Foreman only do the work of supervision under the direction of the Engineers. He has stated that Asstt. Foreman is promoted to the post of Foreman after he gains the necessary experience after holding a D.P.C. and that the Foreman also does the work

of supervision and has also some amount of control over the electrician and helpers working under them. He has stated that a Foreman is promoted to the post of Foreman Incharge after he has acquired the experience on being recommended by the D.P.C. This witness has thus stated about the chain of promotion of Technical and Supervisory Staff which includes Asstt. Foreman, Foreman and Foreman Incharge Electrical. It will appear from the evidence of the concerned workman himself that he was promoted to Technical and Supervisory Grade-B in 1983 on the recommendation of the D.P.C. when he had acquired the necessary qualification and experience in the post of Asstt. Foreman Technical Grade-C. The evidence clearly discloses that the chain of promotion from Technical and Supervisory Grade-B is to Technical and Supervisory Grade-A and that only those persons are promoted from the post of Foreman in Technical and Supervisory Grade-B to the post of Technical and Supervisory Grade-A as Foreman Incharge who have acquired the experience and qualification of being promoted on the recommendation of the D.P.C. Firstly it has been admitted by the concerned workman WW-1 that no D.P.C. had been held after he was given Grade-B. Thus there is no question that the management has not considered his case for promotion to Technical and Supervisory Grade-A as Foreman Incharge. It will further appear that the concerned workman was promoted from the post of Asstt. Foreman in Technical Grade-C to the post of Foreman in Technical Grade-B in April, 1983 vide Ext. W-7 and he cannot be given the post of Foreman Incharge in Technical and supervisory Grade-A from the year 1983 itself as he had not acquired the necessary minimum experience of 3 years in Technical Grade-B so as to make him eligible for being considered to the post of Foreman Incharge in Technical and Supervisory Grade-A.

Ext. W-2 dated 28-5-83 is the office order by which the concerned workman was working as Asst. Foreman Electrical and was designated as Supervisor. Ext. W-3 dated 24-1-83 is an application from the concerned workman to the General Manager, Kusunda area in which a prayer has been made that he should be promoted as Electrical Supervisor as he has been working as Electrical Supervisor being Authorised by the then Agent of Kusunda colliery. It is further stated in this application that although D.G.M.S. has stated that there are requirements of 3 electrical supervisors in the colliery but there is only one Electrical Supervisor posted. It will appear from the evidence that the authorisation and power to work as Electrical Supervisor is distinct from the post of Asstt. Foreman, Foreman and Foreman Incharge. The Asstt. Foreman and Foreman Incharge are authorised to work as Electrical Supervisors only because a person is authorised as Electrical Supervisor it does not entitle him to the post of Foreman Incharge. All the three posts of Asstt. Foreman, Foreman and Foreman Incharge are supervisory posts and all of them can be authorised to work as supervisor but the post of Foreman and Foreman Incharge is to be governed by the cadre scheme in which the mode of promotion, the qualification and experience for promotion is stated. The chain of promotion, as I have already stated above in the Electrical Technical and Supervisory Grade is from Asstt. Foreman to Foreman and from Foreman to Foreman Incharge and Asstt. Foreman (Electrical) cannot be directly promoted to the post of Foreman Incharge according to the cadre scheme and the promotion has to be made step by step i.e. to say that an Asstt. Foreman is first promoted to the post of Foreman and after the Foreman gains the specified experience and qualification he is promoted to the post of Foreman Incharge. Thus the mere fact that the concerned workman was regularised as Electrical Supervisor vide Office Order dated 28-5-83 will not entitle him to the post of Foreman Incharge in Technical and Supervisory Grade-A with effect from 28-5-83.

Ext. W-5 dated 15-12-77 is a certificate from the Supdt. of Kusunda colliery to show that the concerned workman is allowed to work as Electrical Supervisor and his particulars are given in it. The said certificate was issued to the concerned workman to appear at the interview of the Electrical Supervisor. Ext. W-7 dated 12-5-79 is the office order issued to the Supdt. of Mines, Kusunda colliery giving the job and designation of the concerned workman, Shri H. Rama and Shri G. S.

Bose, Ext. W-8 dated 10-9-83 is the authorisation given to the concerned workman to work as Electrical Supervisor and to look after the electrical installation of P. K. Section at surface and underground. Ext. W-12 is the Wage slip in which the concerned workman has been shown as Electrical Supervisor. Ext. W-13, dated 19-5-86, Ext. W-14 dt. 27-7-87 and W-15 dated 22-9-87 are authorisation issued to the concerned workman authorising him to act as Engineer of the colliery in the absence of Executive Engineer and the Engineer. All these exhibits do not lead us to any conclusion that the concerned workman can be given the post of Foreman in charge in Technical and Supervisory Grade-A. It appears from the evidence of WW-1 that Shri H. S. Rama was working as Foreman Incharge Electrical in Kusunda colliery. There is no evidence in the case to show that the management had more than one sanctioned post of Foreman Incharge in Kusunda colliery and as such no Foreman could be promoted to the post of Foreman Incharge.

The concerned workman in his evidence has compared his case with Shri Chandra Kishore Prasad who is working in Kusunda Open Cast Project. He has stated that Chandra Kishore Prasad is designated as Foreman Incharge whereas the concerned workman is designated as Foreman. Ext. W-10 dated 28-1-79 has been referred to show that Shri Chandra Kishore Prasad and the concerned workman who was working as Electricians were regularised and designated as Asstt. Foreman and placed in Technical Grade-C with effect from the date they are working as Acting Asstt. Foreman. WW-1 has stated that Chandra Kishore Prasad was given Grade-B in 1983 about a month prior to his promotion to Grade-B and that Chandra Kishore Prasad got Grade-A in November, 1983. It is thus admitted from his evidence that Chandra Kishore Prasad was senior to him in Grade-B. However, it appears that the promotion of Chandra Kishore Prasad in Technical Grade-A was made on selection in Kusunda Open Cast Project and he had not been promoted in Technical Grade-A in Kusunda colliery where the concerned workman is working as Foreman. Thus the case of Chandra Kishore Prd. cannot be taken as example by the concerned workman for the purpose of getting promotion in Technical Grade-A from the year 1983.

Taking all the facts into consideration it appears that only because the concerned workman was regularised as Electrical Supervisor on 28-5-83, it cannot entitle him to get promotion as Foreman Incharge in Technical and Supervisory Grade-A with effect from 28-5-83. The promotion of the concerned workman as Foreman Incharge in Technical Grade-A has to be done according to the cadre scheme. According to the cadre scheme the concerned workman who was promoted as Foreman in Technical Grade-B will be eligible for consideration by the D.P.C. for promotion to the post of Foreman Incharge in Technical Grade-A when he acquires the experience of atleast 3 years as Foreman and as the concerned workman had not gained the experience of 3 years as Foreman on 28-5-83 he cannot claim for promotion as Foreman incharge in Technical Grade-A with effect from 28-5-83. Admittedly, the D.P.C. has not been constituted for considering the promotion of Foreman to the Post of Foreman Incharge. The concerned workman cannot be promoted by this Tribunal by passing the cadre scheme. It has come in the evidence that Foreman Incharge of Kusunda colliery is to retire very soon and the concerned workman has to take his chance for his promotion to the post of Foreman Incharge Electrical on the retirement of the present Foreman Incharge.

In the result, I hold that the demand of the coal Mines Engineering Workers' Association for Technical Grade-A to Shri Autobindo Rana Foreman in Kusunda colliery of M/s. Bharat Coking Coal Limited with effect from 28-5-1983 is not justified and that the concerned workman is entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
(No. L-20012(336)85-D.JU(A)/JR(coal-1)

नई दिल्ली, 23 फरवरी, 1990

का. आ. 684.—ओर्डरिंग विचार अधिनियम,
1947 (1947 का 14) की धारा 17 के अनुसरण में,

केन्द्रीय सरकार, मैसर्स सन्टूल कॉलफील्ड्स लि. की खास कर्णपुरा कॉलियरों के प्रबन्धतंत्र से सम्बद्ध नियाजकों और उनके कर्मकारों के बोध, अनुबंध में निर्दिष्ट आद्योगिक विवाद में केन्द्रीय सरकार आवधिक अधिकरण, (सं. 2), धनबाद के पंचपट का प्रकाशित करते हैं।

New Delhi, the 23rd February, 1990

S.O. 684.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Khas Karanpura Colliery of Central Coalfields Ltd. and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Reference No. 46 of 1979

In the matter of an industrial dispute under Section 10(1)(d) of the I.D. Act, 1947

PARTIES :

Employers in relation to the management of Khas Karanpura Colliery of Central Coalfields Limited, District Hazaribagh and their workmen.

APPEARANCES :

On behalf of the workmen : Shri S. Bose, Advocate.

On behalf of the employers : Sri R. S. Murthy, Advocate.

STATE : Bihar.

INDUSTRY : Coal.

Dated, Dhanbad, the 2nd February, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/218 78-D.JU(A), dated, the 2nd July, 1979.

SCHEDULE

"Whether the demand of the workmen of Khas Karanpura Colliery of Central Coalfields Limited, District Hazaribagh for treating the 46 Overburden Removal Workers mentioned in Annexure 'A' as their workmen is justified ? If so, to what relief are the said workmen entitled ?"

ANNEXURE 'A'

S. No.	Name
1.	Shri Deo Chand.
2.	Shri Lal Muni.
3.	Shri Magwa.
4.	Shri Gopal.
5.	Shri Tersha.
6.	Shri Jit Mohan.
7.	Shri Johan.
8.	Shri Mangia.
9.	Shri Ram Deo.
10.	Shri Baldeo.
11.	Shri Hiraman.
12.	Smt. Sushila.
13.	Shri Sanichar.
14.	Shri Salman.
15.	Shri Albana.
16.	Shri Rajnath.
17.	Shri Somara.
18.	Shri Sukarmuni.
19.	Shri Jageshwar.
20.	Shri Jagdish.
21.	Shri Basmati.

- 22. Shri Jagani.
- 23. Shri Kishani.
- 24. Shri Hira.
- 25. Shri Bandhu.
- 26. Shri Sukari.
- 27. Shri Dasrath.
- 28. Shri Purani.
- 29. Shri Bigal.
- 30. Shri Birshi No. 1.
- 31. Shri Budhni.
- 32. Shri Waris.
- 33. Shri Sukar.
- 34. Shri Birashi.
- 35. Shri Rani.
- 36. Shri Sudhan.
- 37. Shri Ram Charan.
- 38. Shri Mangra.
- 39. Shri Budhani.
- 40. Shri Etwaria.
- 41. Shri Silina.
- 42. Shri Malani.
- 43. Shri Elisha.
- 44. Shri Sukarmani.
- 45. Shri Hira.
- 46. Shri Sharophina.

The case of the workmen is that the above 46 concerned workmen were working as Overburden Removal worker (for short O.B.R.) since the time of the private owners in Khas Karanpura colliery. The said Khas Karanpura colliery was a private owned colliery prior to the nationalisation and now it is owned by M/s. Central Coalfields Ltd. The said Khas Karanpura colliery has a quarry besides some underground mines. For the purpose of carrying operation in quarry it is necessary to first remove the O.B.R. line of the top of the coal seam and thereafter the coal is exposed for mine. The operation of removal of O.B.R. lying on the coal seam is a must as preparatory for production of coal in quarry. The O.B.R. workmen who are doing the work of CCL's business are employees of CCL and as such are entitled to full benefits which the company's employees in the colliery concerned enjoys. They are also lawfully entitled to be paid directly by the CCL through its pay sheets, without the intervention of any media. The colliery management indulged in unfair labour practice. Even after nationalisation the management violated all labour laws relating to employment of colliery labour by not marking their attendance in its attendance register and entering their particulars in other statutory registers like the payment of wage registers etc. The number of such employees who were illegally deprived of their lawful benefits and privileges for several years was over 139 workmen. Koyal Chhetra Janta Mazdoor Sangh complained about the matter to the ALC(C), Hazaribagh and also raised an industrial dispute with the management of the colliery giving the full list of 139 workmen concerned. The conciliation of the said industrial dispute failed and thereafter the Government referred the case of 46 out of the 139 workmen to the Tribunal for adjudication. Out of the said 46 concerned workmen 19 concerned workmen were represented by Koyal Chhetra Janta Mazdoor Sangh and the remaining 27 concerned workmen were represented by United Coal Workers Union. Subsequently all the concerned workmen were represented by the Secretary of the RCMS on the prayer of the concerned workmen.

What the management actually did was to distribute all its workmen doing O.B.R. among 17 different gang leaders and their wages was paid to the gang leaders for the work done by each gang and each individual O.B.R. was not paid the wages directly by the management. The gang leaders paid a patty sum to the O.B.R. who were actually doing the work and the gang leaders kept the major share of the wages. The union demanded that the management must treat all the O.B.R. his direct workmen on its regular roll but the man-

agement pleaded that there was no employer and employee relationship between the O.B.R. workers and the management. The management thus was taking advantage of their own illegal action in not maintain the statutory registers. The pay sheets of the 17 gang leaders will reveal their enormously disproportionate earning for work actually done by the employees through the gang leaders. It can be well imagined as to how only 17 gang leaders earned such enormous amount shown in the registers of the colliery. The engagement of the contractors for removal of the O.B.R. in collieries was prohibited by the Central Government notifications and as such the colliery management contrived the said illegal device to deprive the concerned workmen of their lawful benefit. On the above facts it has been prayed that the management be directed to take the concerned workmen on its regular roll with continuity of service and full benefits and wages etc. and the Award be passed in their favour.

The case of the management is that the reference is stale. None of the concerned workmen had ever worked as O.B.R. worker in Khas Karanpura colliery. The said colliery, prior to its being taken over, was owned by the private owners. Some O.B.R. work was carried on at the time of take over. So far the concerned 46 workmen are concerned their names were not entered in any records of the colliery. No appointment letter had been issued to them. There was no record to show that their wages was paid to them or any gang leader. There was no relationship of employer and employee between the management and the concerned workmen. In 1973 one of the sponsoring union, namely, United Coal Workers Union raised identical dispute not in respect of the concerned 46 workmen but in respect of 112 so called O.B.R. worker. There was conciliation proceeding which ended in failure and the same was not found fit for reference by the Central Government.

In 1978 the United Coal Workers Union and Koyal Chhetra Janta Mazdoor Sangh raised the industrial dispute before the ALC(C) Hazaribagh while the United Coal Workers Union Limited their claim to 112 persons, the Koyal Chhetra Janta Mazdoor Sangh inflated the figure to 139 persons. Koyal Chhetra Janta Mazdoor Sangh which is a party to this reference was not in existence during the relevant time and none of the alleged concerned workmen was a member of the said union. Both the unions are exploiting the workmen by trying to induct persons who had never worked in the colliery. Originally when the dispute was raised instances of mal practice in the colliery came to the notice of the management showing inflated payment to 17 workmen in connivance with the concerned union. There was no evidence to the fact that the concerned 46 workmen or 112 or 139 persons had worked as O.B.R. workers in the colliery.

After the take over of the colliery with effect from 31-1-73 a procedure for screening/appeals was laid down by the Central Government. At that time only RCMS and United Coal Workers union took up the case of the workers of the colliery for screening the 2 unions submitted claim according to the procedure laid down. They claimed that there were 1343 workmen on the rolls on the date of take over but only 1291 workmen were screened in and 52 were left out. The appeals relating to these 52 workmen were subsequently rejected by the then Dy. Custodian General as the union could not furnish the information which were laid down as yardstick for screening the workers. The United Coal Workers Union was a party to the screening while the other union Koyal Chhetra Janta Mazdoor Sangh was not in existence at that time. Shri Jagarnath Singh who claims to be the President of Koyal Chhetra Janta Mazdoor Sangh was the Office bearers of BCMS at that time. Besides Shri Jagarnath Singh two other senior leaders of RCMS, namely, Ramanika Gupta and Damodar Pandey were the members of the screening committee. It cannot therefore be suggested that any of the concerned 46 workmen were left out during the screening or that they were the old workers of Khas Karanpura colliery. It transpired that local sale of coal by truck was prevalent in the colliery and the purchaser used to bring their truck and their local labour for loading the trucks. The union are trying to induct some of such persons who might have been engaged by such purchaser, who were not the employees of the colliery. On the above facts it is

This reference was first heard by the then Presiding Officer, CGT No. 2, Dhanbad and he passed an Award dated 30th July, 1982 holding that the demand of the workmen of Khas Karanpura colliery for treating the 46 O.B.R. workers mentioned in Annexure to the order of reference as their workmen were justified and consequently the Tribunal directed the management to put them in the list of O.B.R. workers. The management being aggrieved by the said Award went in Writ before the Hon'ble Patna High Court in CWJC No. 1131 of 1983 (R). The Writ was decided by Hon'ble Mr. Justice R. P. Singh by this order dated 25-4-84. His Lordship remanded the case with the following observation :—

“The Tribunal is directed to record a clear and categorical finding on the basis of the materials already on record as to whether these 46 workmen were ever engaged as O.B.R. workmen in the colliery of the petitioner (management), whether directly by the management or through the gang leaders or group leaders. If the Tribunal finds that they were actually so employed the direction to enrol them as O.B.R. workers cannot be found fault with.

In the result, the application is allowed and the Award of the Industrial Tribunal dated 30-7-82 in Reference Case No. 46/79 is set aside. The Tribunal is directed to hear the parties and pass a fresh award after recording a clear finding as to whether the 46 workmen concerned were actually engaged as O.B.R. workers in the colliery belonging to the petitioner, whether directly by the management or through the group leaders, gang leaders or Sirdar as commonly called. It shall, thereafter pass an appropriate Award in accordance with law.”

Thus according to his Lordship's direction it has to be decided whether the concerned workmen were engaged as O.B.R. workers in Khas Karanpura colliery of M/s. CCL either directly by the management or through the gang leaders/group leaders.

The main point for decision in this case is whether the concerned 46 workmen had worked as O.B.R. workers in Khas Karanpura colliery either directly under the management or through group leaders/gang leaders/sirdars.

The management examined 3 witness and the workmen also examined three witness in support of their respective case. The documents of the management have been marked Ext. M-1 to M-9. No document was exhibited on behalf of the concerned workmen.

Admittedly, there is no record to show that the concerned 46 workmen had worked as O.B.R. in Khas Karanpura colliery either at the time of nationalisation or thereafter. The decision whether the concerned workmen had worked as O.B.R. in Khas Karanpura colliery had therefore to be gathered from the circumstances and the fact whether there is any evidence to the effect to show the engagement of the individual concerned workmen in the said colliery as O.B.R. MW-1 Shri S. K. Tayal was Manager of Khas Karanpura colliery from November, 1972 to April, 1973. He has stated that Khas Karanpura colliery was taken over by the Central Government on 31-1-73 and after take over he was asked to prepare a list of workmen employed in the colliery. He has stated that the colliery was working both underground and open cast and that there were 4 inclines and one small quarry. He has stated that the quarry was being operated by remaining over burden remover exposing the coal and then taking out the coal. He has also stated that the work of quarry miners and O.B.R. workers were interchangeable and their number was 111. Ext. M-1 is the list of piece rated O.B.R. of the quarry of Khas Karanpura colliery which according to MW-1 was prepared under his direction and under his signature. The said list Ext. M-1 was prepared on 19-2-73. He has denied that besides 111 O.B.R. there were other large number of O.B.R. workers numbering about 139 whom he did not include in the list. He has stated that there were 2 union namely United Coal Workers Union and RCMS who were operating in the colliery at that time and were associated with the screening of workers started during the period when he was the Manager of the said colliery. He has given the total number of workmen employed as 1251 in the col-

liery including all the workmen. He has stated that similar list was prepared for other types of workmen also. In cross-examination he has denied that O.B.R. workers used to work under gang leaders and that their wages used to be submitted in the bill in the name of gang leader in whose gang they worked. He has also denied that the payment of wages was made through gang leader only. He has admitted in his cross-examination that it was not possible that each O.B.R. can be paid Rs. 500 per week. He had no knowledge that any register was produced during conciliation proceeding showing that each O.B.R. was paid annually between Rs. 26,000 and Rs. 38500. There is nothing more of importance in his evidence.

MW-2 Shri P. N. Lall had worked in Khas Karanpura colliery from June, 1965 to September, 1973 as Labour Officer and Administrative Officer. He has stated that the said colliery was owned by M. L. Sharma and Co., Calcutta and was managed by a managing contractor Shri Girdhari Lal Sharma. He has stated that Khas Karanpura colliery had quarry which was manually worked and the number of workers in the quarry were about 112 who used to get coal and remove the over burden. He has stated that he knew each one of the workmen who were working there and that none of the concerned workmen had worked as O.B.R. in the colliery. He has further stated that Sl. No. 1, 7, 13, 17, 16 and 29 of the schedule of the reference were students reading in school during his time. He has further stated that the Manager had prepared a list of all the workers of different sections of the colliery including the quarry after the take over. He has stated that each of the worker working in the quarry or incline were members of the P.F. and C.M.P.F. Numbers were allotted to them. He has denied that the colliery management used to prepare O.B.R. wages in the name of one person while the work used to be done by a group of workers. He has also proved some registers Ext. M-2 and M-3 which admittedly do not contain the names of the concerned workmen. He has left the colliery in 1973 and as such he cannot say whether the concerned workmen had worked as O.B.R. after his departure from the colliery. He, however, has clearly stated that the concerned workmen were not working as O.B.R. with the private management at the time of the nationalisation nor they were working after nationalisation so long he was in Khas Karanpura colliery.

MW-3 Shri R. P. Pathak was working as under Manager of Khas Karanpura colliery from January, 1975 and was promoted as Manager in 1980. At the time when he had first joined in Khas Karanpura colliery there were 4 inclines and one quarry and that in 1988 the said quarry stopped functioning as there was no scope for further advancement of the colliery due to the existence of the boundary of A. K. colliery. He has stated that there were about 100 persons working in the quarry out of whom some were engaged as O.B.R. and some for cutting of coal. He has proved 4 original gratuity applications of Jatru, Raghuviya No. 1, Bhujan (widow of Saina) and Sukra and they are marked Ext. M-4 to M-4/3. It will appear from these applications that those workmen had claimed gratuity at varying rates of Rs. 49 to Rs. 63 per day. According to his evidence the maximum earning of O.B.R. worker per day cannot be Rs. 16 per day vide NCWA-1. It appears from his evidence that as the amount of claim in the gratuity application was at an exaggerated rate, an enquiry was made by Shri Gulati, Addl. CFO. It will thus be clear from his evidence that it was not possible for one O.B.R. to earn more than Rs. 16 per day and that the amount claimed in the gratuity application at the rate of Rs. 49 to 63 per day was greatly exaggerated. The workmen, on the other hand, submit that the said rate was not lone earning of the group applicant but the same included the wage earning of other O.B.R.s. who were put in the gang of the gratuity application and therefore the amount appears to be exaggerated. Ext. M-5 to M-9 are the decision in appeal under sub-section (7) of Section 7 of the Payment of Gratuity Act, 1972 against the decision dated 18-12-79 of the controlling authority and ALC(C) Hazaribagh directing the colliery Manager of Khas Karanpura colliery to make payment of gratuity to the applicants. It appears from those decisions that the gratuity was computed on the basis of the maximum amount of admissible wage at Rs. 1000 per month on the principle of average of

last 3 months earning in accordance with Section 4(2) read with proviso of the said Act. Thus even according to the said decision Ext. M-5 to Ext. M-9, it will appear that the computation of the gratuity @ Rs. 1000 per month appears to be more than what one O.B.R. can earn within a month. This fact also shows that the wages of other O.B.R.s. were included in the earning of the gratuity applications. We may draw a conclusion on the above oral and documentary evidence that the earnings of some of the workmen who were on the roll of the management as O.B.R. was shown more than what an O.B.R. could do per day and a conclusion can be drawn that the said wages of an individual included the wages of some other O.B.R.s. also.

WW-1 Shri Badal Ch. Biswas had worked in Khas Karanpura colliery from 1975 till the end of 1978 as Surveyor. He has stated that during his posting at Khas Karanpura colliery a quarry was also functioning. He has stated that the removal of O.B.R. was made by manual labour. He used to go to the quarry for measurement work. He has stated that there was a surface subsidence in depilating area during his time in Khas Karanpura colliery and in order to fill up that area manual labour was employed. He can give no idea about the labour force employed for the purpose of O.B. removing. His evidence is of no effect to establish that the concerned workmen were working as O.B.R. in Khas Karanpura colliery.

WW-2 Bigal is one of the concerned workman (Sl. No. 29 in the schedule to the order of reference). He has stated that he was working as O.B.R. in the quarry. According to him there were about 10 men in one gang and that there were 15 or 16 such gangs. He has stated that the concerned workman were working since before the nationalisation and they had also worked after the nationalisation but their work was stopped in October, 1978. He has stated that nothing was given in writing to them stoppage of their work. In cross-examination he has stated that the names of the concerned workmen were not recorded in the books of the owner. It appears that he had just grown up at the time of nationalisation and it is doubtful whether he was engaged to work as O.B.R. before nationalisation when he had not grown up. He has stated that even after nationalisation the names of the concerned workmen were not recorded in the books of the colliery. In cross-examination he has denied that there was any screening of the workmen. WW-3 Mangia who was working as O.B.R. in the quarry retired about 2 years prior to his deposition. He has stated that there were about 600 workmen employed as O.B.R. in the quarry. He has stated that Surveyor used to do the measurement and the bill used to be prepared in the name of the gang sirdar and paid by the office of the colliery to the gang Sirdar. He had filed gratuity case at Hazaribagh in which he was demanding @ Rs. 1500 as his wages but the wage was fixed @ Rs. 1000. He was a regular worker of the management and was getting bonus and provident fund was being deducted from his pay. He has stated that whoever worked in a mine gets bonus besides wages and P.F. is deducted. It appears therefore that as the concerned workmen were not working in Khas Karanpura colliery and as such neither pay nor bonus was paid to them and their P.F. was not deducted.

I have discussed the entire evidence in the case. I have also perused records regarding conciliation in connection with this case which is on the record to satisfy myself whether the names of the concerned 46 persons was there in the original demand which included the names of 134 O.B.R.s. shown under 17 different gang leaders and except a very few I have failed to notice the names of the concerned workmen in the said list. It will appear that originally there were 1343 workmen on the rolls on the date of the take over when Khas Karanpura colliery was taken over and on screening 1290 were taken in the employment after screening and 52 were left out of 1343 and the appeals of those 52 workmen were rejected by the then Dy. Custodian General. There is no assertion on the part of the concerned workmen that their names were included amongst those 52 persons so as to claim that although they were working as O.B.R. the screening committee had wrongly refused to take them in employment. RCMS union, United Coal Workers Union were in the screening committee and there was no reason as to why the names of the concerned workmen would have been left or their case would not have been taken had they been working as O.B.R. at the time of the take over. The fact

that the management had specifically given the names of 112 workmen working in the colliery at the time of take over and I do not see any reason as to why the management would have left the names of the concerned 46 workmen. According to the case of the workmen it is stated that they had worked as O.B.R. till October, 1978 but it is strange that they did not make any representation or filed any representation to the Custodian General demanding employment and regularisation as in the case of other workmen of the said colliery who had been given employment and regularisation after screening. For these reasons although there appears some evidence to the effect that the wages of some of the O.B.R. on the roll of the management were more than what they could work and earn, but that in itself cannot establish the fact that the concerned 46 workmen specifically had worked under gang leaders as O.B.R. and that their wages were shown in the name of individual gang leaders. In fact there is absolutely no evidence to the effect that the concerned workmen were working as O.B.R. prior to nationalisation or even after nationalisation. Thus this being the position it cannot be held that the concerned 46 workmen had worked as O.B.R. workers in Khas Karanpura colliery either directly by the management or through group leaders/gang leaders/Sirdars.

In the result, I hold that the demand of the workmen of Khas Karanpura colliery of CCL for treating the concerned 46 persons mentioned in the Annexure A to the schedule of order of reference as their workmen is not justified and consequently the concerned persons are entitled to no relief.

This is my Award.

I. N. SINHA, Presiding Officer
[No. I-20012(218)/78-D.III(A)/IR (Coal-D)]

नई दिल्ली, 27 फरवरी, 1990

का. आ. 685.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स भारत कोकिंग कोल नि. के मित्रिय इंजीनियरिंग विभाग के प्रबन्धतंत्र से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनबंध में निश्चिट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, (म. 2), धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-1990 को प्राप्त हुआ था।

New Delhi, the 27th February, 1990

S.O. 685.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal No. 2, Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Civil Engineering Department of M/s. Bharat Coking Coal Ltd. and their workmen which was received by the Central Government on 20-2-1990.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESIDENT :

Shri I. N. Sinha, Presiding Officer.

Reference No. 201 of 1987

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

PARTIES :

Employers in relation to the management of Civil Engineering Department of M/s. Bharat Coking Coal Ltd. and their workmen.

APPEARANCES :

On behalf of the workmen—Shri J. P. Singh, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 14th February, 1990

AWARD

The Government of India, Ministry of Labour in exercise of the powers conferred on them under Section 10(1)(d) of the ID. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/4, 87-D.III (A), dated, the 3rd July, 1987.

SCHEDULE

Whether the demand of Janta Mazdoor Sangh for regularisation of Shri Janeshwar Ram, Chairman of Civil Engineering Department of M/s. Bharat Coking Coal Limited to the post of Fitter Operator incharge in Category-V with effect from 1-1-1980 is justified ? If so, to what relief the workman is entitled ?

M/s. BCCL has a Water supply scheme for supplying water to the residence of Bhuli Township 'D' Block. Under the said scheme there is Filter plant and pumping station.

The concerned workman Shri Janeshwar Ram, a permanent workman of the Water supply division of M/s. BCCL designated as Chairman, has been working as Filter Operator incharge since 1977. The management vide office order dated 18/23-4-81 recategorised the workmen employed in the water supply division and properly designated some of them as Filter Operator incharge including S/Shri Arjun Pandey Madan Mohan Singh and Bhagwan Singh who were also originally designated as Chairman and had joined the Water supply division after the concerned workman. By the same office order another group of workmen who were originally general mazdoors in Cat. I were re-categorised as Filter Operator in Cat. III. All other workmen of the water supply division were properly designated and categorised as per job except the concerned workman whose case were discriminated and neither his designation nor his scale of pay was changed to suit the job being performed by him as Filter Operator incharge. A demand was made for proper designation and categorisation of the concerned workman in Cat. V and the said demand is justified and its denial by the management is an act of discrimination. On the above facts it is prayed that an Award be passed directing the management for proper designation and categorisation of the concerned workman in Cat. V with effect from 1-1-1980.

The case of the management is that the Filter plant at Bhuli Township is situated outside the Mining lease hold area. The said plant does not come under the definition of a mine as defined in the Industrial Dispute Act, 1947 and as such the Central Government is not the appropriate Government for referring the dispute to the Central Government Industrial Tribunal in respect of the said plant. When in 1977 the Water supply scheme was commissioned, the employees working in the company in different disciplines who were either surplus to the requirement or voluntarily opted were posted to do various kinds of job involved in the operation and maintenance of the plant. The concerned workman who was a Chairman in the Civil Engineering Department of the company was one such employee out of many who were posted to the plant. After their posting all the employees were deployed in the different jobs depending upon their suitability and willingness. The concerned workman Shri Janeshwar Ram was deployed to work as Pump Operator. In the year 1981 on the basis of the recommendation of departmental promotion/regularisation committee, all the employees working in the Water Supply Department were recategorised with retrospective effect from 1-1-80 under Office order dated 18/23-4-1981 of the Superintending Engineer (Civil) PHE. Since the employees who were deployed at the Filter plant had come from heterogeneous cadre they did not have a common seniority. Their initial deployment and subsequent categorisation was therefore not based on seniority rather it was based on their actual job performance. In the re-categorisation the designation of some of the employees were changed whereas in the case of few others it remained unchanged. This was done on the basis of their actual

deployment in various jobs. In the case of the concerned workman who was earlier a Chairman in monthly Grade-I his designation and grade was maintained because he was Operating Pump. The Pump Operators were placed either in Cat. II or III depending upon the capacity of the Pumps they were operating. Cat. II and Cat. III are lower than Grade-F and the said Grade-F is higher than Cat. III and slightly lower than Cat. IV. Since the concerned workman could not have been down graded his original designation and grade was kept unchanged even though he was working as a Pump Operator/Khalasi. The concerned workman never protested against the office order dated 18/23-4-1981 of the Superintending Engineer. The case of re-categorisation of the concerned workman was taken up by his union, J.M.S. for the first time in 1986 when it was demanded that the concerned workman should be designated as Filter Operator and placed in Category IV. Subsequently the union raised an industrial dispute in which it was demanded that the concerned workman should be given the designation of Filter Operator incharge and placed in Category IV. The concerned workman has been operating Pump and hence the demand of the union to categorise him as Filter Operator incharge is not justified. On the above facts it is prayed that the reference be answered in favour of the management.

The points for decision are :—

- (1) Whether this Tribunal has jurisdiction to adjudicate in respect of the Filter Plant, Bhuli ? and
- (2) Whether the regularisation of the concerned workman to the post of Filter Operator incharge in Cat. V with effect from 1-1-80 is justified ?

The workmen examined 2 witness in support of their case. The management did not examine any witness in support of their case. The documents of the workmen are marked Ext. W-1 to W-8 and the only document of the management has been marked as Ext. M-1.

Point No. 1

It has been contended on behalf of the management that the Filter Plant is situated outside the mining lease hold area and its operation is not at all connected with the mining operation and as such the said Filter plant does not come under the definition of Mine as defined in I. D. Act, 1947. "Mine" under (1b) of the I. D. Act means a mine as defined in clause (i) of Section 2 of the Mines, Act, 1952. The definition of mine in clause (i) of the Mines Act does not only include any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on but it includes many other things such as all machineries, works etc. in or adjacent to and belonging to a Mine. The Filter plant at Bhuli is the machinery and work adjacent to and belonging to a mine as it serves drinking water to the workmen of the mine in their residence etc. The said Filter plant at Bhuli is an industry of the mine and as such the Central Government is the appropriate Government in relation to an industrial dispute concerning any industry carried on or by under the authority of the Government. For the above reasons I hold that the Central Government is the appropriate authority to refer an industrial dispute to this Tribunal and that this Tribunal has jurisdiction to adjudicate upon the matter referred to it by the Central Government. Accordingly I hold that the Tribunal has jurisdiction to adjudicate in respect of the Filter Plant Bhuli.

Point No. 2

The management's document Ext. M-1 which is an office order dated 18/23-4-81 shows that on the recommendation of the departmental promotion/categorisation committee the workmen working in Water Supply Department as per the list enclosed were categorised with effect from the date mentioned against each. The said list shows that the workmen at Sl. No. 13, 15, 19, 20, 70, 77 besides the concerned workman Shri Janeshwar Ram at Sl. No. 30 were all designated as Chairman in Grade-F and except the concerned workman all those Chairman were after categorisation were designated as Filter Operator Grade-I in Category IV or Filter Operator incharge in Cat. V from 1-1-80. The concerned workman was the only unfortunate person whose old designation of Chairman of Group F continued and he was not categorised and designated according to the work being performed by him.

According to the case of the management the concerned workman was working as Pump Operator and that a Pump Operator is placed in Category II or Cat. III depending upon the capacity of the Pump Operated by them. It is stated in the W.S. of the management that Cat. II and Cat. III are lower than Grade-F. But Grade-F is slightly lower than Category IV and that since the concerned workman could not have been down graded his original designation and grade was kept unchanged although he was working as a Pump Operator. It is clear therefore from the case of the management as well that the concerned workman was not working as a Chairman in Water Supply Scheme and as such it appears that as the concerned workman was already placed in Group F as Chairman which was higher than Cat. III but lower than Cat. IV while considering his case for categories and designation he should have atleast been placed in Cat. IV.

The next question to be decided is whether the concerned workman was working as Pump Operator or he was working as a Filter Operator. In Ext. M-1 there was no mention that the concerned workman was working as a Pump Operator and even after recategorisation his designation was remained as Chairman which was admittedly not the designation of the job which the concerned workman was performing. WW-1 Shri Janeswar Ram is the concerned workman. He has stated in 1975 he was appointed in BCCl as Chairman and was posted in the water treatment plant at Lodna as Filter Plant Operator. He has stated that as Chairman he was in Grade-F whose scale is higher to Cat. III and that as Filter Plant Operator also he was getting Grade-F although he should have got Cat. IV. He has stated that in 1982 he was transferred to Bhuli but his Grade-F was not changed by the management. He has stated that in 1980 D.P.C. was held for recategorisation of the grade of the Filter Operator and 6 Chairman were placed as Filter Operator. He has further stated that Arjun Pandey (Sl. No. 15) Madan Mohan Singh (Sl. No. 20) of Ext. M-1 who were designated as Chairman were given Cat. V after they were placed as Filter Operator. He has stated that he has always worked as Filter operator and that some of the Chairman who were placed as Filter Operator and given Cat. V and Cat. VI by the D.P.C. are junior to him. The said fact of juniority and seniority is not supported by Ext. M-1 and as such it is not possible to say that the concerned workman was senior to the persons named above. WW-2 Sarju Singh is working as Filter Operator, Bhuli Filter Plant since 1977. He has stated that the concerned workmen was operating Filter in Lodna Filter Plant along with him and when the concerned workman came to Bhuli Filter Plant in 1982 he started working as Filter Operator and is still working there as Filter Operator. In cross-examination he has stated that Filter Operators were regularised in 1981 at Bhuli and he was also regularised with others in 1981 and before his regularisation as a Filter Operator his designation was of a General Mazdoor although he was working as Filter Operator. He has stated that there was no pump operator in Bhuli Filter plant. The evidence of the workmen's witnesses finds support from Ext. W-2 which is a note by Shri M. P. Sharan, SE (Civil). Ext. W-2 shows that 3 Chairman named Shri Madan Mohan Singh, Shri Sudarshan Singh and the concerned workman Janeswar Ram were posted at Bhuli Water treatment plant and their services were utilised as Filter Operator. It further states that Shri Madan Mohan Singh was promoted as Filter Operator incharge in Cat. V and Shri Sudarshan Singh who was working as Filter Operator prior to promotion of Shri Madan Mohan Singh was categorised as Stores Supervisor. The Superintending Engineer in Ext. W-2 suggested that all the above chairman should be recategorised as Filter Operator incharge in Cat. V and that in order to ascertain their suitability experience etc a departmental promotion committee should be constituted. This note was placed before the Addl. Chief Engineer (C) Headquarters, Ext. W-6 dated 15/19-6-85 is a certificate granted by Shri B. Singh, Sr. Executive Engineer, Water Supply Division, Headquarters. Sr. Executive Engineer certified in Ext. W-6 that the concerned workman Janeswar Ram, Chairman has been serving as Filter Operator/Grade-I since 1977 and he is a competent skilled workman in operating the Filter plant as well as softening plants. Ext. W-7 is the duty chart for the month of April, 1983 at Bhuli Water Treatment plant scheme under the signature of Sr. Executive Engineer (C) W/S. It shows that in the second shift the concerned workman Shri Janeswar Ram was placed to work as Filter Operator.

Thus the note Ext. W-2, certificate Ext. W-6 and duty chart Ext. W-7 all issued by a competent authority show that the concerned workman was working as a Filter Operator and not as Pump Operator and there appears to be reason to disbelieve the document which were created during the normal course of duty. Ext. W-1 is the comment of the management before the ALC (C) Raichur when the industrial dispute in respect of the concerned workman was raised there. It is stated in this comment of the management that Shri Janeswar Ram, Chairman Grade-F has been doing the job of pump operator since the date of his posting in Water Supply Division and getting the wages of Chairman as per his designation and as per the recommendation of NCWA-III. It is further stated that in the year 1981 when regularisation of all the employees posted at Water Supply Division was considered, the case of the concerned workman was also considered along with others but the management did not change his designation from Chairman to Pump Operator as he was getting higher pay than a pump operator. The ground stated as to why the designation of the concerned workman was not changed according to the work being performed by him stated by the management in Ext. W-1 does not appear to be sound. Firsty because there is no document to the effect that the concerned workmen was working as a Pump Operator, secondly, because the management's own officers under whom the concerned workman had worked have clearly stated that the concerned workman was working as a Filter Operator Grade-I since 1977 and is a competent skilled workman in operating the Filter Plant. It appears that when the management could get no good ground for their defence as to why the designation and category of the concerned workman was not changed according to the nature of the job being performed by him, the management had come out with absolutely baseless ground as to why the concerned workman was not properly designated and categorised.

Now again referring back to the list enclosed with Ext. M-1 it will appear that the case of the concerned workman was singled out by continuing his designation as Chairman in Grade-F although the concerned workman was working as a Filter operator in Grade-I from 1977. It will further appear that all the Chairman who were formerly in category F were designated as Filter Operator Grade-I and were given Cat. IV and that Chairman in Grade-F were redesignated as Filter Operator incharge and given Cat. V. The concerned workman has stated that Shri Arjun Pandey and Madan Mohan Singh were given Cat. V after they were placed as Filter Operator and it will appear from the note Ext. W-2 of the Superintending Engineer that he had also recommended that the concerned workman and Madan Mohan Singh should be recategorised as Filter Operator incharge in Cat. V. The management has not examined any member of the D.P.C. to show as to why the case of the concerned workman was singled out in not redesignating him as Filter Operator incharge in Cat. V when others working along with and not shown to be senior to the concerned workman were designated as Filter Operator incharge in Cat. V. The case of the workmen appears to have been fully established by the documents from the management's officers itself and it appears, it was for this reason that none of the management's employees dared to come in witness box to deny the facts which were stated by the witnesses of the workman and find support from the documents bearing the signature of the management's Officers.

I may mention here that there is no designation of Filter Operator Incharge in Cat. V in the Water Supply scheme of Bhuli township administration and that it appears that in the schedule to the order of reference the post of Filter Operator incharge in Category V is a typographical error for Filter Operator incharge Cat. V. The workman or the concerned workman had never demanded to be regularised as Filter Operator in Cat. V and as such it appears that it was an unfortunate mistake in typing.

In view of the facts, evidence and circumstances discussed above I hold that the regularisation of the concerned workman to the post of Filter Operator Incharge in Cat. V with effect from 1-1-80 is justified.

In the result, I hold that the demand of Janta Mazdoor Sangh for regularisation of the concerned workman Shri Janeswar Ram to the post of Filter Operator incharge in Cat. V with effect from 1-1-90 is justified and accordingly

the management is directed to categorise him as Filter Operator Incharge in Cat. V with effect from 1-1-80 as in the case of others and should pay him the difference of wages since 1-1-80 within one month from the date of publication of the Award.

This is my Award.

I. N. SINHA, Presiding Officer
[No. L-20012(46)/87-D.II (A)/IR (Coal-I)]
K. J. DYVA PRASAD, Desk Officer

नई दिल्ली, 8 फरवरी, 1990

प्रमाणपत्र

का. आ. 686.—केन्द्रीय सरकार ने, खान अधिनियम, 1952 (1952 का 35) की धारा 82 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिसूचना सं. का. आ. 1901 तारीख 1 मई, 1969 के द्वारा यह विनिश्चय किया था कि राष्ट्रीय कोयला विकास निगम लिमिटेड, गंगी की केन्द्रीय विद्युत् और यांत्रिक कम्पशाला, कोरबा उक्त अधिनियम के अर्थात् खान थी;

अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 84 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह विनिश्चय करती है कि उक्त केन्द्रीय विद्युत् और यांत्रिक कम्पशाला, कोरबा जो अब सात्रथ ईम्टने वोलफील्ड लिमिटेड की है, उक्त अधिनियम के अर्थात् खान नहीं है।

[का. सं. एस-29025/3/89-आई.एस.एच-2]

New Delhi, the 8th February, 1990

CERTIFICATE

S.O. 686.—Whereas in exercise of the powers conferred by Section 82 of the Mines Act, 1952 (35 of 1952), the Central Government had decided that the Central Electrical and Mechanical Workshop, Korba belonging to the National Coal Development Corporation Limited, Ranchi was a mine within the meaning of the said Act vide notification No. S.O. 1901 dated the 1st May, 1969;

Now, in exercise of powers conferred by sub-section (1) of Section 84 of the said Act, the Central Government hereby decides that the said Central Electrical and Mechanical Workshop, Korba which now belongs to the South Eastern Coalfields Limited, is not a mine within the meaning of the said Act.

[F. No. S-29025/3/89-ISH-II]

नई दिल्ली, 20 फरवरी, 1990

का. आ. 687.—खान अधिनियम, 1952 (1952 का 35) की धारा 5 की उप धारा (1) द्वारा प्रदत्त शक्तियों को प्रयोग करते हुए, केन्द्रीय सरकार श्री सतीश कुमार छावड़ा को अगले आदेशों तक मध्य खान निरीक्षक के अधीन खान निरीक्षक नियुक्त करती है।

[सं. ए-12025/3/90-आई.एस.एच. 1]

राम तिलक पाण्डेय, इस सचिव

New Delhi, the 20th February, 1990

S.O. 687.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Shri Satish Kumar Chhabra as Inspector of Mines subordinate to the Chief Inspector of Mines, until further orders.

[No. A-12025/3/90-ISH-II]

R. T. PANDHAY, Dy. Secy.

नई दिल्ली, 8 फरवरी, 1990

का. आ. 688.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार न्यू ईंडिया एंशोरेंस क. के प्रबंधतत्र के संबंध नियोजकों और उनके कम्बकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, चंडीगढ़ के पंचपट वो प्रकाशित करती है।

New Delhi, the 8th February, 1990

S.O. 688.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New India Assurance Company and their workmen.

ANNEXURE

BEFORE SHRI M. S. NAGRA, PRESIDING OFFICER
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
CUM-LABOUR COURT, CHADIGARH

Case No. I. D. 61/86

PARTIES :

Employers in relation to the management of New India Assurance Co. Ltd.

AND

Their workman : Jasbir Singh.

APPEARANCES :

For the workman—Shri K. L. Arora

For the management—Shri Raj Kumar Bishamboo.

AWARD

Dated, the 11th December, 1989

On a dispute raised by Jasbir Singh against the management of New India Assurance Co. Ltd. the Central Government had vide No. L-17012/10/86-D.IV (A) dated 14th November, 1986 referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of New India Assurance Company, Sector -17-B, Chandigarh in terminating the services of Sri Jasbir Singh clerk-cum-typist at their Ropar Branch on 13-12-1984 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?"

2. Case of the workman as set out in the statement of claim is that on his appointment he had joined as assistant/typist on 14-9-1983 at Ropar Branch of the Resptd. insurance Co. On 13-12-1984 when he visited the office, he was verbally told by the Ass'tt. Manager that his services had been terminated with immediate effect as circular had been received from the Regional Office to dispense with the services of casual employees who had been kept on daily rate basis. He submits that his services have been terminated without serving any notice or pay in lieu thereof and without paying him any retrenchment compensation as envisaged U/S 25-F of the Industrial Disputes

Act. He stated further that there is also violation of provision of Section 25-H of the Industrial Disputes Act in as much as after his illegal termination many new employees of his category has been employed without affording any opportunity to him. He contends that he had worked more than 240 days in a calendar year immediately preceding his retrenchment and is entitled to re-instatement with full back wages.

3. in its answer filed the respondent Co. took preliminary objection that workman had worked only for 165 days during the period of 12 months preceding the date of leaving the employment and he is not entitled to any relief under the provisions of Industrial Disputes Act 1947. It is pleaded that the workman had himself abandoned the job and had worked for only 165 days during period of 12 months. On merits it is admitted that workman was engaged on 14-9-1983 on daily wages on temporary employment. It is pleaded that the petitioner had worked intermittently and he was never worked continuously. It is mentioned that he was not employed during January to April 1984. it is also stated that workman was again offered temporary employment in the year 1986 but he did not prefer to accept the same.

4. The workman had also filed a petition No. LCA 78/85 on 11-3-1986 seeking payment of salary besides bonus for the period September 1983 to December 1984 amounting to Rs. 9748. The Claim was disputed by the management in its reply identical to the reply filed in I. D. case No. 61/86. My learned predecessor through his order dated 1-6-87 had consolidated the LCA case 78/86 with I. D. case. Both the I. D. and LCA claim are being disposed off by this order and a copy of the order will be placed in LCA No. 78/86.

5. The parties were allowed opportunity to lead evidence in support of their respective claims. Jasbir Singh workman filed his affidavit Ex. W-1 reiterating the allegations made in the statement of claim. He also filed copies Ex. W-3, W-5, W-7 and W-9 alongwith postal receipt W-4, W-2 and W-6 of representations made by him to the senior officers against his illegal termination from the service. During his cross-examination he made statement that he was paid for each day of the work at the end of the month. Without any pay for Sundays and Gazetted holidays. He denied suggestion if he did not work during the period January 1984 to April 1984. He also denied the suggestion if he had abandoned the job voluntarily. He however admitted that at present the Respdt. insurance Co. has no employee on daily wages. On request of the workman the management was asked to produce insurance policies alleged to have been dealt by the petitioner during the period of his employment. The management produced some of them. The management however failed to produce the stationery register for the period 1-1-1984 to 31-5-1984 on the plea that same was not being maintained during those days. Shri Jasbir Singh in his additional statement tendered 80 photo copies of the policies supplied to him by the management. He made statement that the said policies were typed by him and entries in ink or corrections in the said policies are in his hand. He stated further that all policies date of which is mentioned in his application dated 8-9-1987 were typed by him and corrections made therein are also in his own hand. During his cross-examination he admitted that insurance policies Ex. M-1 to M-80 are not signed by him. He however stated that the said documents were filled in by him. He also admitted that he did not file any proceedings before any authority claiming wages for January 1984 to April 1984.

6. In rebuttal the management filed affidavit Ex. M-27 of Shri Moti Ram Jain Assistant Branch Manager Ropar to the effect that workman was appointed purely on daily wages on temporary employment with effect from 14-8-1983 in order to clear the back log but workman who worked intermittently had never worked with the management for the period Jan. 1984 to April 1984. He has solemnly affirmed that the workman had only worked for 165 days details of which are given in annexure A1 and preceding the date of leaving employment. he had been paid salary for the period he had worked. He had solemnly affirmed that workman was never asked to leave the job and he himself left the job in December 1984 without informing the management. The management did not take any action as the workman was on daily wages.

He filed statement Ex. M-1 showing period of employment and the amount paid to him. He also tendered photo copy Ex. M-2 to M-26 of the vouchers through which he was paid wages. He has made statement that petitioner was again offered employment during January 1986 but he did not join a service with the Respdt. Company. During his cross-examination he admitted that petitioner was appointed as trainee by him but no letter of appointment was issued. He also admitted that workman used to do typing and also documentation. During his cross-examination he denied the suggestion if he had wrongly omitted the period January 1983 to April 1984 in document Ex. M-1 and had destroyed the departmental record incorporating the entries showing employment of Jasbir Singh during the said period. He has admitted that he had maintained stationery register for the period January 1984 to April 1984. He has denied the suggestion if during the period January to April 1984 Jasbir Singh had done the job work of clearing the policies mentioned in his application dated 8-9-1987. Management also filed affidavit Ex. M-29 of Shri Pradeep Jain Legal officer of the Respdt. Co. who gave but procedure of daily wages workers.

7. Case of the petitioner is that his services were terminated without any notice or pay in lieu of one month notice and he was not paid any retrenchment compensation. He contends that there has been violation of provisions of Section 25-F and also violation of provisions of Section 25-H of the I. D. Act, 1947. As regard violation of provisions of Section 25-H of I.D. Act he had mentioned that many workers had been newly employed after his retrenchment. During his cross-examination he has admitted that Insurance Co. has not got any daily wage worker on its roll. His contention of non-compliance of Section 25-F is devoid of any merit. As regards violation of Section 25-G the petitioner's claim can succeed only if he had worked for more than 240 days in a calendar year immediately preceding his retrenchment. While he contends that he had worked for more than 240 days prior to his alleged termination. Management has filed statement Ex. M-1 showing that he worked only for 165 days during the period of his employment from 24-9-1983 to 13-12-1984. The management has also tendered copies Ex. M-2 to M-26 of the vouchers through which the petitioner was paid at the rate of Rs. 18 per day for the days he worked. The only point for determination is whether petitioner had worked for the period January 1984 to April 1984. While petitioner contends that he had worked during this period and the management had destroyed its record showing his employment, the management on the other hand submits that the workman had not worked at all during the period in question. The workman had summoned stationery register for the period January to April 1984. The management has failed to produce the stationery register on the plea that no stationery register has been maintained for the period in question. The management's witness Moti Lal Jain however admitted that the separate register was maintained during the said period. Workman vide his application dated 18-12-1987 had summoned insurance policies details of which are mentioned therein to show that he had been doing the job work of typing of the policies and preparing policy documents. On request of the workman management had tendered photo copies Ex. M-1 to M-80 of the insurance policies.

8. There can be no denial that in case the workman had worked during the period January to April 1984 then he had rendered more than 240 days service in a calendar year immediately preceding his termination/retrenchment. The management contends that workman had not been employed during January to April 1984. On the other hand workman submits that relevant record about payment of wages to him for the days he worked during the period January to April 1984 have been intentionally withheld/destroyed by the management. In the statement of account Ex. M-1 the management has not shown any disbursement of payment to Jasbir Singh during the period in dispute i.e. January to April 1984. The workman through application dated 1-6-1987 sought for permission to produce in additional evidence, misc. disbursement book from January 1984 to May 1984 alongwith payment vouchers, stationery register, despatch register, N.T.B and T.B. Misc. and fire policy binders, motor premium summary slip, petty cash register. My learned predecessor through order dated 24-8-1987 had directed the management to produce the relevant record on 12-8-1987. On that day the management pleaded that record was voluminous and workman could inspect the same at the concerned branch. On 8-9-1987 the workman filed another application for sum-

moning the record mentioned therein. It is stated that workman visited Ropar Branch of the respondent company on 3-9-1987 but he was not shown record particularly miscellaneous outgo with payment vouchers 1-1-1984 to 31-5-1984, petty cash register 1-1-1984 to 31-5-1984, stationery register 1-1-1984 to 31-5-1984 and despatch register 1-1-1984 to 31-5-1984. In the said application he again mentioned few hundred policies and contended that the said policies have been written by him in his own hand and relate to the period 1-1-1984 to 31-5-1984. He requested the court that the said record may be summoned. My learned predecessor had on 1-12-1987 ordered the management to produce the record. Insurance Company brought the policies summoned by the workman and also all the record except stationery register for the period 1-1-1984 to 31-5-1984. My learned predecessor ordered the insurance company to file photo copies of the policies as the same were required by the Company for day to day working. Thereafter workman filed another application dated 18-12-1987 that he had not been supplied with the copies of few hundred insurance policies particular of which are given in his application and also photocopies of the following record :

- (i) Miscellaneous outgo with payment vouchers 1-1-1984 to 31-5-1984.
- (ii) Petty cash register 1-1-1984 to 31-5-1984.
- (iii) Despatch register from 1-1-1984 to 31-5-1984.

The management did not file any reply to the said application.

9. The management contends that Jasbir Singh was initially employed to clear the back log of the insurance policies. During May 1984 he was again appointed to do the job work of clearing the back log of the policies from Jan. 1984 to April 1984 and this explains his dealing with policy document Ex. M-1 to M-80 which relate to the period 1st January 1984 to 30th April 1984. Counsel for the management has drawn my attention to policy Ex. M-81 which recorded date of policy as 18-3-1984 and date of issue as 31-7-1984 suggesting that it had been taking considerable time in insurance of the policy. The perusal of the policies Ex. M-1 to M-80 however show that good number of them were issued earlier to 30-4-1984. It is none of the case of the management if the date of issue was back dated by Jasbir Singh. The non production of payment vouchers, petty cash register, despatch register for the period 1-1-1984 to 31-5-1984 coupled with non-production of stationery register which the management had pleaded not to have been maintained and the then Branch manager Shri Moti Lal Jain admitted to have maintained, leads this Tribunal to agree with the workman that departmental record about working of the petitioner and payment of wages to him for the period 1-1-1984 to 30-4-1984 has been intentionally withheld.

10. In his claim petition under Section 33-C (2) of the I. D. Act 1947 registered as LCA No. 78/86 he had mentioned the wages received by him during the period Jan. 1984 to April 1984 and the balance left due. In an annexure 'B' filed alongwith claim petition he has given detail of the days he worked during the said period. The period of his working during the period January to April 1984 when added to the admitted period of working makes the total working days of the workman more than 240 days during the 12 months immediately preceding his retrenchment. Admittedly no notice was served on him before dispensing with his service and in lieu of notice, 30 days salary was not paid to him. At the same time no retrenchment compensation was paid to the workman who had worked for more than 240 days immediately preceding to his retrenchment. The management has also failed to establish if workman had voluntarily abandoned his job. The management had dispensed with his service without complying the provisions of Section 25-F of the I. D. Act. The action of the management in terminating the services of the workman is illegal and he is entitled to re-instatement with full back wages.

11. In LCA No. 78/86 Jasbir Singh workman had set up a claim for payment of Rs. 9748 as balance amount to be paid after adjusting the amount paid by the management to him for the period September 1983 to December 1984. In his claim he has also included bonus for the year 1983 and for the year 1984. The management has admitted days of working of workman totaling 165 during the period Sep. 1983 to December 1984. The workman have claimed to

have worked for 359 days as mentioned by him in para 10 of the claim petition. Regarding 97 days of work rendered by him in January to April 1984. Admittedly he has been paid wages as pleaded by him in para 9 of the claim petition. In absence of any proof of having worked for 359 days during the period September 1983 to December 1984. He is not admitted to the balance amount claim by him. He has also failed to show any policy decision, agreement or settlement or any law regarding his entitlement to bonus for the year 1983 and 1984. There is no merit in the claim petition LCA 78 of 1986 and the same is rejected.

12. The reference is returned with the findings that action of the management of New India Assurance Company, Sector 17-B, Chandigarh in terminating the services of Shri Jasbir Singh clerk-cum-typist at their Ropar Branch is illegal and unjustified and the workman is entitled to re-instatement with full back wages with all attendant benefits.

Chandigarh.

M. S. NAGRA, Presiding Officer
[No. L-17012/10/86-D.IV (A)/IR (B)-I]

का. आ. 689.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक अॉफ मदुरै ई के प्रबंधतव के सबद्ध नियोजकों और उनके कर्मकारों के बीच, ग्रनुवंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करते हैं।

S.O. 689.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby publishes the award of the Industrial Tribunal, Madras as shown in the annexure, in the industrial dispute between the employers in relation to the management of Bank of Madurai Ltd. and their workman.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMILNADU
MADRAS-104

Monday, the 13th day of November 1989

PRESENT :

THIRU K. NATARAJAN, M.A., B.L.,
Industrial Tribunal

Industrial Dispute No. 40/ of 1986

(In the matter of dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workman and the Management of Bank of Madura Ltd., Madura).

BETWEEN

The workman,

Shri C. T. Jayaraman,
Meilmaruvathur Athi Parashakti Koil Street,
Chithamur P. O.,
Madurantakam Taluk,
Distt. Chingleput-603313.

AND

The Chairman,
Bank of Madurai Limited,
762, Anna Salai,
Madras-2.

REFERENCE :

Order No. L-12012/13/83-D.IV(A) Vol. II, dt. 4-6-1986
of the Ministry of Labour, Government of India,
New Delhi.

This dispute coming on for final hearing upon perusing the reference, claim and counter statements and all other material papers on record and upon hearing the arguments of Thiru R. Ganesh, Advocate appearing for the workman and of Thru S. Jayaraman, Advocate for the Management and this dispute having stood over till this day for consideration, this tribunal made the following.

AWARD

This dispute between the workman and the Management of Bank of Madurai Ltd., Tiruppattur Branch arises out of a reference under Section 10(1)(d) of the Industrial Disputes Act 1947 by the Government of India in its Order No. L-12012/13/83-D.IV(A) Vol. II, dated 4-1-1986 of the Ministry of Labour for adjudication of the following issue :—

"Whether the action of the Management of the Bank of Madurai Limited in relation to Thiru Tiruppattur Branch, Chengalpattu District, Tamilnadu in dismissing Thiru C. T. Jayaraman, Senior Clerk from with effect from 9-12-1981 is justified? If not, to what relief is the workman concerned entitled?"

2. The claim petition averments are that the Petitioner joined the service of the Bank in 1963 and was dismissed from service by an order dated 9-12-81 on the basis of charge memo dated 15-11-79. He was the Secretary of the Tiruppattur Branch Bank of Madurai Employees association and was taking active part in all of its activities. He was dismissed as a measure of victimisation for his active participation in the union activities. A charge memo was given to him alleging that he committed misconduct of (i) wilful insubordination and disobedience of lawful and reasonable orders of the superior and (ii) indecent behaviour. The Petitioner denied the charge and an enquiry was conducted and was dismissed on the finding of the Enquiry Officer. The Enquiry Officer refuse to adjourn the enquiry on 31-10-80 though he has expressed difficulty in having his representative on 31-10-80. The enquiry though was postponed for more than three months on the ground that the Enquiry Officer was not well but the request of the Petitioner praying for adjournment was refused. The Enquiry Officer denied the petitioner effectively to cross-examine the witness by objecting the question put to M.W.3 and disallowing the same. The Enquiry Officer on the other hand marked letters filled by Management alleged to have been obtained from the customers inspite of objection. The Enquiry Officer being an officer of the Bank, sided the management and is biased. The findings are not based on materials on record. The Enquiry Officer has not cited reasons for rejecting the evidence of all four witness on defence. Even assuming the charges are proved, the extreme penalty is too harsh. Hence this petition to reinstate him with all benefits.

3. The Respondent in his counter states that on 18-9-79 at about 10.30 A.M. while on periodical change in the allocation of work of the staff was made and register of letter detailing the work of the Petitioner was sent to him by the Accountant, he refused to accept the letter. He shouted against the Manager using indecent and vulgar words in the presence of customers of the Bank. The Manager drew the attention of the customer Mr. Gopal Rao about the behaviour of the Petitioner. On the same day the Manager noted that the Petitioner has not signed the register and asked the Accountant to get signatures from the remaining staff. At that time the Petitioner interrupted and disrupted the Accountant from getting signatures from the other staff and again shouted against the Manager using indecent words and removed his chappal, moved towards the Manager and finally caused damage to his spectacles. The Petitioner has also accused the Manager as having illicit relationship with a lady clerk. Hence the charge-sheet was given to the Petitioner and after getting an explanation and holding a domestic enquiry he was dismissed from service as per procedure. The allegation of the Petitioner that he has been victimised because of the long standing enmity between him and the manager is false. The allegation that the Petitioner was not given reasonable opportunities to defend the case before the enquiry and the enquiry was conducted in violation of principles of

natural justice is not correct. The Enquiry was conducted strictly according to the principles of natural justice by giving all opportunities to the Petitioner. If this Tribunal comes to a conclusion that the Enquiry conducted by the Management is not fair and proper, the Respondent may be given an opportunity to establish the charges before this tribunal by letting evidence. The allegation that the enquiry was not adjourned when he asked whereas it was adjourned for three months when the Enquiry Officer was not well has no merits. The Enquiry was adjourned several times to enable the petitioner to cross-examine the witnesses and also to examine his own witnesses. Regarding the disallowance of a question put to the management witness (M.W.3) deprived him from effectively cross examining the Management Witness is not correct. The Enquiry Officer has given reasons as to why he has not relied upon the defence witnesses. Hence the application is liable to be dismissed.

4. The points for determination are :—

(1) Whether the dismissal of the Petitioner by the Respondent is justified?

(2) To what relief?

5. The Petitioner examined himself as W.W.1 and marked Ex. W-1 to W-6 whereas the Respondent examined the Enquiry Officer as M.W.1 and marked Ex. M-1 to M-54 on their side.

6. Point.—(1) The Petitioner who has challenged the domestic enquiry held by the Respondent raised a preliminary issue whether the domestic enquiry is proper and valid. It has been found that Enquiry was valid and proper.

7. Now coming to the merits of the case, the oral evidence let in on either side is not in anyway helpful to decide the issue. Hence we have to rely on the documentary evidence filed before this Tribunal.

8. In this connection it is seen from Ex. M-6 charge-sheet dated 15-11-1979 against the Petitioner alleging that on 18-9-79 at about 10.30 A.M. when periodical changes in allocation of work were made, when a register letter detailing work was sent to the Petitioner by the Accountant, the Petitioner not only refused to accept the letter but also shouted against the Manager by using indecent words."

Regional Language

On the same day at about 5 p.m. the Petitioner interrupted the Accountant from getting signatures from the remaining staff and shouted against the Manager with indecent words and finally removed his chappal and moved towards the Manager by raising his hand and caused damage to his spectacles. To these charges an explanation was given by the Petitioner under Ex. M-7 wherein besides denying charges he stated those charges were false and imaginary. Thereupon an enquiry was conducted as can be seen from Ex. M-26 proceedings. As usual the Enquiry Officer finally gave his findings after enquiry under Ex. M-28 holding the Petitioner guilty of above charges contained under Ex. M-6. The Petitioner attacks these findings.

9. The learned counsel for the Respondent would contend that as per Ex. M-6 charge, the Petitioner refused to accept the letter and also shouted against the Manager by using indecent words. But according to the learned counsel for the Petitioner the Respondent is not sure whether the allotment of work was made in letter or register as can be seen from the evidence of Management Witness. M.W.1 the main witness would only refer to allotment. But in the cross-examination he would answer to a question put up by the Petitioner's representative whether the allotment was put up on the paper or register, he answered it was on paper. He further says whether the staff signatures were obtained in allotment registers, he answered he does not remember. When he further questioned whether there was any allotment register, he again answered that he does

not remember. But M.W.2, the Accountant who went to serve the register or letter swears in the chief examination that the Manager gave him the allotment register and also typed copy, mentioning the allotment and to obtain the signatures from the staff. But the Petitioner refused to sign. That apart, he would also speak to the incident that took place on that day between the Manager and the Petitioner and that one Gopal Rao compromised the matter. According to this witness that in the evening the Petitioner came with the chappel and while running towards the Manager crowd gathered and the Manager was picking up the pieces of the broken glass of his left eye spectacles. Thereafter the attender pushed the Petitioner and closed the door and then the witness went to console M.W.1. In the cross-examination he would swear that the manager went through the register and instructed him to obtain signatures from other members of the staff. The learned counsel for the Petitioner has pointed out there is a vital discrepancy between M.W.1 and M.W.2 examined by the Enquiry Officer as to whether the signatures were asked to be obtained in the register or letter. As against this contention the learned counsel for the Respondent pointed out the charge does not relate to letter alone. A scrutiny of the Charge-sheet Ex. M-6 refers to register as well as letter and therefore there cannot be discrepancy and even assuming there is discrepancy between M.W.1 and M.W.2, it is only a minor discrepancy, which cannot go into the root of the case. On the other hand it is sufficient to show whether *prima facie* case is made out and this Tribunal need not go into the trivial things. It is also pointed out by the learned counsel for the Respondent that in 1982—I—I.L.I, page 46 (*State of Haryana v. Ratan Singh*) the Supreme Court has held that.

"In a domestic enquiry the strict and sophisticated rules of evidence from the Indian Evidence Act may not apply. All the materials which are logically probative for a prudent mind are permissible."

When it is the position of law, the learned counsel pointed out that such minor discrepancy would not help the Petitioner.

10. The learned counsel for the Petitioner by referring to Ex. M-28 findings of the Enquiry Officer would contend that the Enquiry Officer proceeds the enquiry as if the charge relates to register, is not correct. In other words, the very base of charge itself goes. This contention cannot be accepted for the simple reason that the earlier portion of Charge Ex. M-6 reads 'Register/Letter'. However it is also the evidence of M.W.2 that the register and the letter were given by the Manager M.W.1 for the purpose of obtaining signatures.

11. It is next to be seen that the fact the signature was sought to be obtained in the register or letter is not very material, since we are mainly concerned with the alleged indecent behaviour of the Petitioner against the Manager M.W.1. In this connection, it is relevant to note that the very action on the Petitioner has been taken mainly on the complaint Ex. M-1 given by Gopal Rao, Customer and also other customers under Ex. M-41 to M-45. Ex. M-41 to M-45 are the complaints to the Chairman by the customers about the incident that took place on 18.9.1979 at the premises of the Bank and of all these customers one Gopal Rao alone, who gave a complaint Ex. M-1, was examined. He would state that he is the customer of the Bank from 1957 and on that date when the Manager was seated in his seat, Cashier Jayaraman was shouting in high tone stating"Regional Language".

This witness would add when he asked the Manager, the Manager represented they followed as per the instructions of the Higher Authorities. But this witness only refers to the shouting that took place and of the sarcastic remarks of the Petitioner about the Manager in keeping vehicle for the purpose of conveyance allowances. That apart, he does not speak to the further incident that took place on the same day. Anyway, the learned counsel for the Petitioner pointed out that he nowhere refers the Manager as ' ' whereas M.W.1 has stated so. He would also refer to the testimony of M.W.4 as not referring to 'Manager ' whereas M.W.3 in his evidence would only state" These

discrepancies, according to the Petitioner would only go a long way in support of the case of the Petitioner that the Enquiry Officer has not appreciated the evidence when giving a finding. At the risk of repetition it is to be pointed out that these discrepancies are only minor. It is also seen from Ex. M-48, letter by the Accountant to the Chief Officer of the Inspection Department explaining the delay in submitting the Manager's monthly Certificate. That letter was dated 14-5-1980 stating that the register was kept hidden wantedly. In this connection the Petitioner was examined as W.W.1. He would say that he signed the register in the Forenoon. If this version is true no action on the Petitioner for being charge-sheeted for refusing to sign can be taken. W.W.2 would swear in the cross-examination that the Petitioner signed in the evening. Subsequently he would add that he did not set properly. W.W.3 would swear that he has signed. W.W.4 says that the allotment register was traced out. Thus it is seen there is also a lot of discrepancy in the evidence of Petitioners. It is therefore seen that the Enquiry Officer has taken into consideration the materials placed before him and came to conclusion that the misconduct alleged has been proved. It is also relevant to note in the light of the evidence placed before the Enquiry Officer, there is no difficulty in coming to a conclusion that such incident took place. There is no need for the customers to complain to the authorities of the Respondent-Bank unless such incident took place. In this connection, the learned counsel for the Petitioner would refer to the testimony of M.W.1 and M.W.2 whereas M.W.1 would not refer to chappel but M.W.2 would refer to chappel. Again he would point out the discrepancy between M.W.1 and M.W.2 in this regard. It is also the plea of the Petitioner that as per evidence of M.W.2 he went to collect the letters from customers. Anyway, the fact remains that regarding the second incident M.W.3 has spoken to in detail. She has also addressed a letter in this connection Ex. M-47 dated 12-10-79 bringing to the notice of the chairman the behaviour of the Petitioner with her and also her sufferings. A perusal of the letter would show the attitude of the Petitioner towards this witness. It should not be forgotten this witness M.W.3 besides a colleague of the Petitioner is a lady staff. There is no reason, why she should come and depose falsely against the Petitioner. In fact a perusal of Ex. M-47 would go to show that the Petitioner has gone to the extent of imputing the character of this witness. Therefore, the Enquiry Officer has rightly come to a conclusion, with regard to this charge also. For the above reason, I have no hesitation to come to a conclusion that the findings of the Enquiry Officer under Ex. M-28 are not perverse. In fact, no prudent man would have come to any other conclusion on the materials placed before the Enquiry Officer.

12. Having found the enquiry is fair, the finding is not perverse, a question would arise whether the order of dismissal can be sustained. In this connection, the learned counsel for the Respondent would vehemently contend taking into consideration the serious misconduct committed by the Petitioner, the Respondent has given suitable punishment and it cannot be contended in anyway it is harsh or disproportionate to the charges. He would straightforwardly on a decision reported in 1980—I—I.L.I, page 425 (Division Bench) (*Sri Gopalakrishna Mills P. Ltd. v. Labour court and another*). In that case the Labour Court while holding the charge of misconduct proved, reduced the punishment under Section 11-A of the Industrial Disputes Act to that of reinstatement without backwages. That award was questioned by the Management. The Division Bench of our Madras High Court while setting aside the award has held,—

"*Any undertaking by workmen not to commit misconduct in future or he had no intention to cause loss to Management cannot escape the penal consequences of such misconduct.*"

The High Court further held,—

"*The Labour Court is in error in considering the worker as the victim of circumstances and his length of service cannot be taken into account in the matter of punishment.*"

According to the High Court, the leniency of punishment is only depending on the nature of misconduct and not any other consideration. Section 11A of the Industrial Disputes Act reads,—

"Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the court of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal, and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require."

The learned counsel for the Petitioner pressed hard to invoke the Provisions of Section 11-A showing mercy on the Petitioner taking into consideration of his 18 years of unblemished service in the Respondent. In this connection he would straightforwardly draw my attention to the decisions reported in 1982-II-L.L.J. page 472 (Supreme Court), 1984-I-L.L.J. page 546 and 1989-I-L.L.J. page 71.

13. In 1982-II-L.L.J. page 472 (Supreme Court) (Rama Kant Misra v. The State of U.P. and others) the Supreme Court has discussed in detail the purpose of introduction of Section 11-A and the power of Supreme Court on the decision of Labour Court. At page 475 the Supreme Court discusses as follows how Section 11-A came to be enacted.

"The punishment must be for misconduct. To some extent misconduct is a civil crime which is visited with civil and pecuniary consequences. In order to avoid the charge of vindictiveness, justice, enquiry and fairplay demand that punishment must always be commensurate with the gravity of the offence charged. In the development of industrial relation norms we have moved far from the days when quantum of punishment was considered a managerial function with the Courts having no power to substitute their own decision in place of that of the management. More often the Courts found that while the misconduct is proved the punishment was disproportionately heavy. As the situation then stood, Courts remained powerless and had to be passive sufferers incapable of curing the injustice. Parliament stepped in and enacted Section 11-A of the Industrial Disputes Act. It is now crystal clear that the Labour Court has the jurisdiction and power to substitute its measure of punishment in place of the managerial wisdom once it is satisfied that the order of discharge or dismissal was not justified in the facts and circumstances of the case."

In that case the delinquent was charge-sheeted for disorderly behaviour and also threatening an employee within the premises and conduct prejudicial to good order and discipline. The threatening language alleged to have been used by the worker aggrieved when translated is as follows : "Any other person your father. I will make you forget your high handedness either here or somewhere else. An officer of yesterday's making discloses power conceitfulness". These words, according to the Enquiry Officer, would constitute misconduct within the relevant clauses of Standing Orders. Therefore after enquiry he was finally dismissed from services. While allowing the appeal the Supreme Court after discussing the purposes of introduction of Section 11-A finally came to the conclusion that,—

"A mere use of such language on one occasion unconnected with any subsequent positive action and not preceded by any blame worthy conduct cannot permit an extreme penalty of dismissal from service."

Thus holding, set aside the penalty imposed by the Management and reinstated him with all benefits except his two increments falling due from the date of termination of service be withheld with future effect.

14. In 1984-I-L.L.J. page 546 (Ved Prakash Gupta v. Delton Cable India P. Ltd.) a question arose before the Supreme Court was whether the appellant was a workman within the meaning of Section 2(s) of the Act and the termination of the Appellant's service is proper. The Supreme Court held that the appellant in this case was a workman within the definition of Section 2(s) of the Industrial Disputes Act and the reference under the Act is valid in law. Coming to the second point the misconduct leading to termination of workman was that (1) he abused one Omcer Durg Singh in a filthy manner saying (translated in English as—I fuck the mother of Drug Singh; b***, b***) (2). He also abused one S. K. Bagga left and right in a filthy derogatory and abusive manner namely as (translated in English as—you should try hard to your gain; you cannot do anything wrong to me. You may go to Ram Kumar or you may go to Vijay Kumar). The Labour Court found the punishment of dismissal awarded to the appellant was disproportionate to the gravity of charges framed against him and that he is entitled to reinstatement with full backwages and continuity of service. While considering the punishment, the Supreme Court came to the conclusion that,—

"The punishment awarded to the appellant is shockingly disproportionate regard being had to the charge framed against him. We are also of the opinion that no responsible employer would ever impose in like circumstances the punishment of dismissal to the employee and that victimization or unfair labour practice could well be inferred from the conduct of the management in awarding the extreme punishment of dismissal for a flimsy charge or abuse of some worker or officer of the management by the appellant within the premises of the factory. We, therefore, hold that the termination of the appellant's service is invalid and unsustainable in law, and that he is entitled to reinstatement with full back wages and other benefits including continuity of service."

Much stress is laid by the learned counsel for the Petitioner on this decision and concluded that the misconduct committed by the Petitioner cannot be said to be so serious. In the instant case charge against the Petitioner that the Petitioner refused to accept the letter and also shouted against the Manager by using indecent words and he removed his chappel running towards the Manager by raising his hand and thereby caused damage to the spectacles of the Manager. These two misconducts cannot be so grave as to call for a deterrent punishment. Of course, there cannot be any second opinion on the part of the Petitioner having committed a misconduct as alleged. However, one should take into consideration the past conduct of the Petitioner also.

15. However reliance is also placed in 1989-I-L.L.J. page 71 (Scooter India Ltd., Lucknow v. Labour Court, Lucknow and others) by the learned counsel for the Petitioner. In that case the Labour Court having accepted the finding, the Enquiry Officer, set aside the order of termination holding as not justified in the circumstances of the cases and passed an order allowing only 75% of backwages. The Supreme Court while considering the powers of the Labour Court under Section 6(2A) of the U.P. Industrial Disputes Act, which is analogous to Section 11-A of the Industrial Disputes Act, has held that

"The Labour Court had exercised its powers under this Section not in an arbitrary manner or in a judicial manner."

According to the Supreme Court,

"The Labour Court has taken a view that justice must be tempered with mercy and that the erring workman should be given an opportunity to reform himself and prove to be a loyal and disciplined employee of the Petitioner Company."

The order of dismissal Ex. M-1 says, the Chairman before passing the orders has gone through the previous records and did not find any extenuating circumstances to take a lenient view on the matter. But no document has been placed

before this Tribunal to appreciate whether the authority who passed the order, had actually applied his mind relating to the previous conduct before passing the order of dismissal. The order Ex. M-31 Except casually referring to previous record, has not chosen to place before the Tribunal the materials or the documents relating to punishment for earlier misconduct. A mere reference by the authority concerned that he has gone through the previous records, would not suffice to show that he actually applied his mind before passing the order of dismissal. Otherwise there is no relevance in referring to the previous records. This aspect being absent in this case, it cannot also be contended that the previous record was so bad; that does not deserve any leniency for the act of misconduct. In my view considering the past unblemished conduct of the Petitioner for 18 years, the punishment imposed is not justified and is disproportionate to the charges. Hence the Petitioner deserves a leniency in imposing the punishment.

16. Bearing in mind the law laid down reported in 1984-I L.L.J. page 546, I have no difficulty in coming to a conclusion that the misconduct committed by the Petitioner does not warrant such a severe punishment.

17. One should take into consideration, the circumstances under which the Petitioner was placed at that time and also his mental imbalance. It is natural, persons like petitioner can easily be provoked to act in such a manner. It is also significant to note that in 1989-I-L.L.J. page 71 (Scooter India Ltd., Lucknow v. Labour Court, Lucknow and ors) the Supreme Court has categorically held that justice must be tempered with mercy and that the erring workman should be given an opportunity to reform himself and prove to be a loyal and disciplined employee.

18. However for the act of misconduct it cannot be justified to reinstate him with all benefits. Taking into consideration the over all circumstances in this case, the Petitioner will be reinstated without backwages but with all benefits except stoppage of two increments falling due to the date of termination of service without cumulative effect. This point is formed accordingly.

19. Point (2)—In the result, the Respondent is directed to reinstate the Petitioner without backwages but with all benefits except stoppage of two increments falling due to the date of termination of services without cumulative effect. An award is passed accordingly.

Dated, this the 13th day of November, 1989.

K. NATARAJAN, Industrial Tribunal
[No. L-12012/13/83-D.IV(1)/TR (B)-I]

WITNESSES EXAMINED

For Workman :

WW-1—Thiru C. T. Jayaraman (Workman)

For Management :

MW-1—Thiru P. M. Venkateswaran.

DOCUMENTS MARKED

For Workman :

Ex. W-1/24-8-78—Letter from Management-Bank to Thiru C. T. Jayaraman.

Ex. W-2/12-4-79—Letter from Thiru C. T. Jayaraman to the Chairman of the Management-Bank.

Ex. W-3/11-5-79—Letter from Thiru C. T. Jayaraman to the Chief Officer of the Management-Bank (copy).

Ex. W-4/23-7-79—Letter from Thiru C. T. Jayaraman to the Chairman by the Management-Bank (copy).

Ex. W-5/22-3-81—Letter from Thiru C. T. Jayaraman to the Chairman by the Management-Bank (copy).

Ex. W-6/18-9-79—Letter from Thiru C. T. Jayaraman and five others to the Chairman of the Management-Bank (copy).

For Management :

Ex. M-1/8-9-79—Report given by Thiru B. S. Gopal Rao (copy)

Ex. M-2/18-9-79—Allocation of work given to Thiru C. T. Jayaraman and four others (copy)

Ex. M-3/18-9-79—Letter from Thiru C. T. Jayaraman to the Chairman, of the Management-Bank about the incident on 18-9-79 (copy)

Ex. M-4/12-10-79—Personal letter from Thiru C. T. Jayaraman to the Chairman of the Management-Bank (copy)

Ex. M-5/18-9-79—Reallocation of work to staff members of the Management-Bank from October, 1979 (copy)

Ex. M-6/15-11-79—Charge Memo issued to Thiru C. T. Jayaraman (copy)

Ex. M-7/24-11-79—Explanation by Thiru C. T. Jayaraman to Ex. M-6 (copy)

Ex. M-8/17-12-79—Letter from Thiru C. T. Jayaraman praying for 20 days time to reply to memo. of charge (copy)

Ex. M-9/14-1-80—Letter from Thiru C. T. Jayaraman to the Chairman of the Management-Bank requesting for personal enquiry (copy)

Ex. M-10/2-5-80—Letter from Chief Officer of the Bank to the Enquiry Officer intimating documents to be relied on the side of the Management (copy)

Ex. M-11/13-5-80—Intimation regarding holding of enquiry by the Enquiry Officer (copy).

Ex. M-12/23-5-80—Letter from Thiru C. T. Jayaraman to the Enquiry Officer for adjournment of hearing (copy)

Ex. M-13/6-6-80—Intimation regarding holding of domestic enquiry on 27-6-80 by the Enquiry Officer (copy)

Ex. M-14/8-9-80—Order appointing Thiru Venkateswaran, Deputy Chief Officer as Enquiry Officer (copy)

Ex. M-15/16-10-80—Intimation regarding holding of domestic enquiry on 30-10-80 by the Enquiry Officer (copy)

Ex. M-16/30-10-80—Letter from Representative of the Management-Bank to the Enquiry Officer (copy)

Ex. M-17/30-10-80—Letter from Thiru C. T. Jayaraman authorising Thiru S. Sundaram, Joint Secretary of the Union to represent him in the enquiry (..)

Ex. M-18/30-10-80—Preliminary objection raised by the Defence Representative (copy)

Ex. M-19/30-12-80—Representation from staff of Tirupattur Branch to the Management-Bank (copy)

Ex. M-20/18-4-81—Intimation regarding holding of domestic enquiry on 12-5-81 (copy)

Ex. M-21/3-10-81—Letter from the Chairman of the Management-Bank to Thiru C. T. Jayaraman regarding enquiry report and regarding proposed punishment (copy)

Ex. M-22/20-10-81—Letter from Thiru C. T. Jayaraman to the Chairman of the Bank requesting for personal hearing (copy)

Ex. M-23/24-10-81—Circular from Tirupattur N. Arcot, Bank Employees Union (copy)

Ex. M-24/28-10-81—Letter from Chief Officer of the Bank to Thiru C. T. Jayaraman (copy)

Ex. M-25/28-10-81—Letter from Manager to Staff Department, Central Office (copy)

Ex. M-26 —Proceeding of the Enquiry Officer (copy)
 Ex. M-27 —Proceeding of the Enquiry Officer held on 12-5-81 (copy)
 Ex. M-28 —Report of the Enquiry Officer (copy)
 Ex. M-29/3-10-81—Submission of Defence Representative to the Chairman of the Management-Bank (copy)
 Ex. M-30/6-11-81—Letter from Chief Officer of the Bank to Thiru C. T. Jayaraman advancing time of hearing (copy)
 Ex. M-31/1-12-81—Dismissal Order issued to Thiru C. T. Jayaraman (copy)
 Ex. M-32/9-12-81—Confirming the order to dismissal by the Chairman of the Management-Bank (copy)
 Ex. M-33/20-1-82—Appeal from Thiru C. T. Jayaraman to the Board of Directors (copy)
 Ex. M-34/4-2-82—Decision of Board meeting (copy)
 Ex. M-35/24-2-82—Confirmation of order of dismissal (copy)
 Ex. M-36/10-2-79—Personal letter from Thiru C. T. Jayaraman to Thiru C. M. Muthiah to present his leave Application.
 Ex. M-37 —Letter from Thiru C. T. Jayaraman to Thiru C. M. Muthiah to present his leave letter.
 Ex. M-38/27-3-79—Letter from Thiru C. M. Muthiah Manager to the Chief Officer of the Management-Bank forwarding 2 letters of Thiru C. T. Jayaraman.
 Ex. M-39/17-9-79—Letter from Manager, Tiruppattur to the Chief Officer of the Bank.
 Ex. M-40 —Report about the incident on 18-9-79.
 Ex. M-41/18-9-79—Report on the incident by Tiruppattur Branch Manager to the Chief Officer of the Bank.
 Ex. M-42/18-9-79—Report by Kalyan Textiles to the Chairman of the Bank on the incident.
 Ex. M-43/18-9-79—Report by Thiru T. Sridhar to the Chairman of the Bank.
 Ex. M-44/19-9-79—Report by Kadar Textiles to the Chairman of the Bank.
 Ex. M-45/19-9-79—Report from P. K. Sundararajan to the Chairman of the Management-Bank.
 Ex. M-46/19-9-79—Letter from Manager of Tiruppattur Branch to the Chief Officer of the Management-Bank.
 Ex. M-47/12-10-79—Report from Tmt. P. Sharibabi, Clerk of Tiruppattur Branch to the Chairman of the Management-Bank.
 Ex. M-48/14-5-80—Letter from Accountant, Tiruppattur Branch to the Chief Officer, Inspection Department, Central Office of the Management-Bank.
 Ex. M-49 —Proceedings of the Enquiry Officer.
 Ex. M-50/19-8-81—Report of the Enquiry Officer.
 Ex. M-51/30-10-80—The preliminary objection of the Defence Representative with Management Representative's Comments.
 Ex. M-52/1-11-80—Requisition by the Defence Representative to produce the allotment work register and profit and loss register and the Management's representation.
 Ex. M-53/1-11-80—Statement given by Thiru R. N. Chinnadurai, Manager, Tiruppattur (N.A.) Branch of the Management-Bank.
 Ex. M-54/30-10-80—Letter from Thiru C. T. Jayaraman to the Enquiry Officer.
 Ex. M-55 —Allotment Register for the Period 3-9-76 to 7-3-80.
 M.O. I—Broken pieces of glass attached to the enquiry file.

K. NATARAJAN, Industrial Tribunal

का. आ 690—ओद्दोगिक विवाद ग्रन्थनियम, 1917 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय मण्डल लार्ड कृष्णा बैंक लि. के प्रबंधतंत्र के सबूत नियोजकों और उनके कम्कारों के बीच, अनुबंध में निर्दिष्ट ओद्दोगिक विवाद में श्रम न्यायालय, एर्नाकुलम के पंचगठ को प्रकाशित करती है।

S.O. 690.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Govt. hereby publishes the award of the Labour Court, Ernakulam as shown in the annexure, in the industrial dispute between the employers in relation to the management of Lord Krishna Bank and their workman.

ANNEXURE

IN THE LABOUR COURT, ERNAKULAM

Monday, the 8th day of January, 1990

PRESENT :

Shri R. Raveendran, B.A., B.L., Presiding Officer.
 Industrial Dispute No. 12 of 1987 (C)

BETWEEN

The Management of Lord Krishna Bank, represented by the Chairman, Lord Krishna Bank Limited, Head Office & P.O. Kodungallur, Kerala,

AND

Their workman Shri, Jayakar Shenoy, Sindhu Nivas SMC
 IV, Shertallai P.O., Alleppey District, Kerala.

REPRESENTATION :—

Shri P. F. Thomas, Advocate, Cochin-12—For Management.
 M/s. Youseff & Aysha, Lawyers, Cochin-11—For Workman.

AWARD

The industrial Dispute between the above parties was referred to this Court for adjudication by the Government of India, Ministry of Labour, New Delhi as per order No. L-12012/23/86-D.IV(A) dated 20-1-1987. The issue referred for adjudication is the following :—

“Whether the action of the Management of M/s. Lord Krishna Bank Limited, Head Office, Kodungallur, Kerala in relation to their branch at Shertallai, District Alleppey, Kerala is justified in dismissing the services of Shri Jayakar Shenoy, Clerk, w.e.f. 31-1-84? If not, to what relief the workman concerned is entitled?”

II. Shri. Jayakar Shenoy was dismissed by the Management in a disciplinary proceedings initiated against him. There was a domestic enquiry into the charges. He was found guilty by the Enquiry Officer. The dismissal followed on the bases of that findings.

III. The validity of the domestic enquiry was tried as a preliminary issue. I have found in my order dated 7-11-1989 that there was valid domestic enquiry. I also confirmed the findings of the Enquiry Officer. Facts necessary for the disposal of the case have been narrated in the preliminary order which I am extracting hereunder so as to make it a part of this award:—

“PRELIMINARY ORDER

The issue referred for adjudication to this Court by the Government of India, Ministry of Labour, New Delhi, as per Order No. L-12012/23/86-D.IV(A) dated 20-1-1987 is “Whether the action of the management of M/s. Lord Krishna Bank limited, Head Office, Kodungallur, Kerala in relation to their branch at Shertallai, District, Alleppey, Kerala is justified in dismissing the services of Shri Jayakar Shenoy, Clerk, w.e.f. 31-1-1984? If not, to what relief the workman concerned is entitled?”

2. The workman has filed a claim statement stating as follows:—

The workman entered into the services of the Jouna Bank, Cochin on 1-12-1964. That Bank was subsequently amalgamated with Lord Krishna Bank. While he was working at Shertallai Branch Sri. Ranganatha Shenoy assumed charge as the Manager of that Branch. He has previously worked along with the workman as a Clerk at Kodungallur and at that time there was reason for affecting the cordial relations between the workman and Shri. Ranganatha Shenoy. So Shri Shenoy was nursing enmity with the workman. Within a short time after his joining the Shertallai branch the workman was got transferred to the Wadakkancherry Branch. After his transfer the Branch Manager instigating one Sasi who belonged to the nearby place of the Branch Manager, falsely fabricated an allegation against the workman that he received a sum of Rs. 50 from the said Sasi on 24-11-81, dishonestly misrepresenting that the amount will be remitted towards Jewel security loan No. 2380/81. There after a memo dated 7-5-1983 was issued to the workman levelling certain charges against him. He denied the charges levelled against him. On the basis of the allegation the Management decided to hold a domestic enquiry by appointing an enquiry officer. The enquiry was conducted against the principles of natural justice. No opportunity was given to the workman to defend his case. The enquiry officer was biased and he acted only in accordance with the direction of the Management and he was bent upon to make a report against the workman. The Union representative or any co-worker was not allowed to participate in the enquiry. The workman was denied opportunity to adduce his evidence and to cross-examine the witnesses of the Management. The enquiry was only a farce. The request made by the workman to produce witnesses was not allowed saying that he has no further time for the same. The first posting of enquiry was on 17-10-1983. Without examining MW1 all other witnesses were examined on that day. MW1 was examined lastly with intent to fill up the lacuna in the Management's evidence. Very serious prejudice has been caused to the workman in the matter of the enquiry. The alleged complainant Sasi himself had given in writing to the management that he had not entrusted any money with the workman. The action of the management was victimisation and unfair labour practice. It was intended to harass him under the misguidance of the Manager, MW1. The dismissal of the workman is wrong and improper.

3. The Management has filed a statement of objections contending as follows:—

The reference is not proper. The allegation that Shri Ranganatha Shenoy, the Branch Manager, of Shertallai Branch was nursing enmity towards the workman is untrue. The workman and Shri Ranganatha Shenoy had not worked in a common office at Kodungallur. It is not correct that the workman had joined the Shertallai Branch on 22-11-1974. The workman was working at Eriyad Branch from 1st September 1973 to 15th November, 1976. Shri Ranganatha Shenoy was working at Shertallai during the course of the said period. The allegation against Shri Jayakar Shenoy was that after having received a sum of Rs. 50 from one of the clients of the Bank, misappropriated the said amount instead of remitting it to the Bank and gave a false credit of the said sum in favour of the said client in the books of account of the Bank. All the charges of misconduct have duly been proved in the course of the domestic enquiry. Shri. Jayakar Shenoy was provided with all opportunities for explaining his conduct and also defending himself against the charges. He was further provided with an opportunity on request to verify the books of account maintained at the Shertallai Branch. He was also provided with an opportunity to defend his case by arranging any representative of the Union of which he was a member, but he chose to defend himself without availing the said offer or opportunity. The enquiry was conducted in a fair manner providing all opportunities to the workman. The workman was also provided with all opportunities to produce any documentary evidence or witnesses on his side. The enquiry was closed only by the consent of the workman. No prejudice has been caused in the matter of enquiry. There was no ill-motivated intention to examine MW1 at a later date. The workman has no such plea at the time and date of the enquiry conducted on 17-10-1983 when the sitting was adjourned for another date for examination of MW1. The

workman was charge-sheeted on the basis of the complaint received by the Bank involving misappropriation and fictitious entry in the books of account of the Bank. The workman is not entitled to get any relief in the reference.

4. The workman has filed a rejoinder reiterating the claims in the claim statement and refuting the contentions in the written objections filed by the management.

5. The points that arise for consideration are whether the enquiry conducted is legal and proper and the findings are supported by legal evidence.

6. For the Management the Enquiry Officer was examined as MW1 and marked the enquiry file as Ext. M1. For the workman MW1 was examined.

7. The workman was a Clerk in the Management Company. While so, the delinquent was called upon to submit his explanation by issuing a memo of charges alleging that he has committed certain misconducts in the discharge of his official duties. He has submitted his explanation denying the charges. Not satisfied with the explanation submitted by the workman the Management ordered an enquiry by appointing an enquiry officer who conducted the enquiry and filed his report as is evidence in Ext. M1 file. The enquiry officer has entered a finding that the charges against the workman are proved. Accepting the findings of the enquiry officer the delinquent was dismissed from service. The delinquent is challenging the enquiry and the report on the grounds that the enquiry was conducted in violation of the principles of natural justice and the enquiry officer was biased and the charges were framed against him as an act of victimisation as MW1 in the enquiry. Shri Ranganatha Shenoy had developed enmity towards him. The domestic enquiry officer was examined as MW1 before the court and the file containing the enquiry proceedings and the reports is marked as Ext. M1. A reading of the testimony of MW1 before this court and the report in Ext. M1 it can be seen that the enquiry officer has given sufficient opportunity to the delinquent to defend his case effectively. It can also be seen that the delinquent has cross-examined the witnesses of the Management in detail. Even though the enquiry officer offered him to engage a representative of the union for defending his case, he did not utilise that opportunity but he himself defended his case. Even though he alleged that the domestic enquiry officer was biased, nothing is shown by the delinquent to substantiate this allegation. In view of the fact that the domestic enquiry officer has given him opportunity of being heard and he has participated in the enquiry earnestly and effectively by cross-examining the witnesses of the Management, I find that the domestic enquiry officer has conducted the enquiry following the principles of natural justice and the enquiry conducted by the enquiry officer is legal and proper.

8. Concerning the finding of the Enquiry Officer, the Enquiry Officer has relied on the testimony of MWs, 1 to 4 and Exts M1 to 12 in the enquiry. It can be seen that even though the Manager was examined as the last witness of the Management, he has shown in the report as MW1. There is no satisfactory evidence in this case to show that the delinquent was prejudiced on account of the examination of the Manager as the last witness and he has not raised any objection at the time of examination also. He has put his signature on every page of the deposition.

9. It can be seen that a memo of charge was issued to the delinquent containing the following allegations:—

(i) He has received Rs. 50 from one C.G. Sasi, Chulliyil House, Veeyathara, Andakarapazhi P.O. on 24-11-81 dishonestly misrepresenting that it would be remitted towards his jewel security loan No. 2318181 and without bringing the said remittance to the Bank, caused a false credit entry for Rs. 50 in the J.S. ledger in respect of the said gold loan account and forged the initial of the Branch Manager against the said entry to make it appear that the said entry has been verified by the branch manager and misappropriated the said amount.

(ii) By doing the said acts, he has falsified the books of accounts maintained by the Bank in the regular course of business.

- (iii) The said acts were done for making illegal gain for himself by causing wrongful loss to the Bank and its customers.
- (iv) By doing the above said acts he committed wilful disobedience to the rules and lawful orders of the Bank relating to its business.
- (v) The above said acts are prejudicial to the interest, image and reputation of the Bank and are also subversive of its discipline.

These charges were made against the delinquent on the basis of a written complaint made by one C.G. Sasi, a customer, on 12-2-1983 stating that he was defrauded by the delinquent by accepting a sum of Rs. 50 on 24-11-1981 entrusted by him for remittance in his jewel security loan No. 2318/81 and that the non-remittance of this amount came to his notice only on 9-2-83 when he went to the Bank for releasing the gold pledged. Then he was informed that there was no actual cash payment as claimed by him. On 5-7-1983 the delinquent employee submitted his explanation accompanied by a letter dated nil from Shri C. G. Sasi in which Shri Sasi had denied having entrusted any amount to credit in his loan account. However, while forwarding the same letter of Shri Sasi the delinquent employee has clearly admitted having made a credit entry of Rs. 50 in the J.S. Loan No. 2318/81. But he would state that the said entry must have been made by him only on the basis of the remittance of the said amount. He would also state that the said entry had been verified by the Branch Manager by putting his initiate. The enquiry officer examined three witnesses, viz., G. Venkiteswara Prabha, P.J. Joseph and C.G. Sasi as MWs. 2, 3 and 4 respectively. The Manager was examined as MW1. Ext. M6 in the enquiry is the complaint dated 12-2-1983 by Shri C. G. Sasi. Ext. M6(a) in the enquiry is the statement given by Shri Sasi to the Inspector of Branches reaffirming his earlier complaint. Ext. M12 in the enquiry is the letter dated nil of Shri C.G. Sasi produced by the delinquent, denying the earlier allegations made by the said Sasi. The gold loan ledger is Ext. M1 in the enquiry and the J.S. account 2318/81 is the Sasi ledger is Ext. M1(a). Ext. M2 is the gold loan subsidiary of 24-11-1981. Ext. M3 is the Cash Scroll of 24-11-1981. Ext. M4 is the Manager's Scroll of 24-11-1981. It can be seen that there is a clear admission by the delinquent in his explanation that he has made the said credit of Rs. 50 by himself and it might be on the basis of the respective pay-in-slip. Exts. M2, M3 and M4 do not contain any corresponding entry made by the delinquent in the gold loan ledger nor in Ext. M5 the day's slip contain any supporting credit slip also. But the books of account would go to show that the credit entry admittedly made by the delinquent employee was not on the basis of any pay-in-slip and there are no correspondence-entries for having received that amount in the cash scroll or the Manager's scroll. The testimony of MW2 and 3 in the enquiry would go to show that Sasi came to the Bank for releasing the pledge and actually complained when he came to know that the amount of Rs. 50 which he had entrusted to the delinquent was not remitted to his account and he had to release the pledgee by remitting the full amount due to the Bank. The deposition of MW4, the complainant, would prove the fact that he had entrusted the amount to the delinquent who in turn did not bring that amount to the Bank and subsequently the amount of Rs. 50 was paid to MW4 by the delinquent. In these circumstance the depositions of MWs. 1 to 4 in the enquiry, the entry in the banks of account and the clear admission of the delinquent employee in Ext. M9 would prove the fact that the delinquent is guilty of the first charge. As he is guilty of the first charge, he is guilty of the other charges also as those charges are closely connected with the first charge. Therefore I hold that there is no need of interference in the findings of the enquiry officer who entered the finds relying on the legal evidence. Hence I hold that the findings entered into by the enquiry officer are supported by legal evidence and those findings are not perverse.

10. In the result it is hereby found that there was a proper and valid domestic enquiry and that the findings of the Enquiry Officer are also correct."

IV. The question remains to be considered is as to the validity, legality and justifiability of the punishment imposed on the workman. The punishment imposed on the delinquent is dismissal from service. The proved misconduct committed by the delinquent is misappropriation and falsification of accounts. The misconducts proved are very serious and grave. So it cannot be said that the punishment is more severe than what is deserved. So I confirm the dismissal and find that the employee is not entitled to any relief. An award is passed accordingly.

8-1-1990.

R. RAVEENDRAN, Presiding Officer
[No. L-12012/23/86-DIV(A)|IR(B)-1]

Appendix

Witness examined on the Management's side :

MW1. Shri S. Ganapathy Iyer.

Exhibit marked on the Management's side :

Ext. M1. The file relating to the domestic enquiry held against Shri Jayakar Shanoy.

Witness examined on the Workman's side :

WW1. Shri Jayakar Shanoy.

R. RAVEENDRAN, Presiding Officer

नई दिल्ली, 14 फरवरी, 1990

का. आ. 691.—ओद्योगिक विवाद अधिनियम, 1947

(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रिन्डलेज बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निश्चित ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक श्रफ्तकरण, वर्षा सं. 1 के पारपट को प्रकाशित करती है।

New Delhi, the 14th February, 1990

S.O. 691.—In pursuance of section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bombay as shown in the annexure, in the industrial dispute between the employers in relation to the management of Grindlays Bank, Mint Road Branch, Bombay and their workmen.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT BOMBAY

(Presiding Officer, Justice S. N. Khatri)

Reference No. CGIT-42 of 1988

PARTIES :

Employer in relation to the management of Grindlays Bank

AND

Their workmen.

APPEARANCES :

For the Management—Shri P. K. Rele, Advocate.

For the Workmen—Shri B. W. Baidya, Advocate.

INDUSTRY : Banking.

STATE : Maharashtra.

Bombay, dated the 18th day of January, 1990

AWARD

Under Section 10(1)(d) of the Industrial Disputes Act, 1947, the Central Government has referred to this Tribunal the following industrial dispute between the Management of the Grindlays Bank, Bombay and their workmen :

"Whether the action of the management of Grindlays Bank in discontinuing the Special Allowance to Shri R. R. Lotankar of Mint Road Branch, Bombay, w.e.f. 7-6-1982, is justified? If not, to what relief the workman is entitled?"

2. Admittedly, workman Shri Lotankar has been working as Clerk in the Mint Road Branch of the Grindlays Bank (hereinafter referred to as the Bank) since before 1981. His case is that from 1982, onwards he has been performing the following duties :

- (i) collecting mail/registered letters from Post Office,
- (ii) filing correspondence,
- (iii) open all letters and mark them to different departments,
- (iv) handling work connected with franking machines records of postal stamps, registers and sending out registered letters after entering them in postage register, and maintaining franking account,
- (v) despatching letters to branches/customers by mail after franking,
- (vi) Operating Bradma Embossing/Printing Machines,
- (vii) relieving token/cheque book issue clerk for lunch relief,
- (viii) all other clerical relief duties that may be assigned to him occasionally."

The workman states that out of these, items (iii) and (iv) involve duties of higher responsibility akin to those of Special Assistant and as such he is entitled to Special Assistant's Allowance. It is not in dispute that formerly one Kirtikar was working in the Correspondence Department and that on his retirement, he was succeeded by Swami. On Swami's retirement the present workman succeeded him on 7-6-1982, and continues to do the job to-date. The workman points out that both Kirtikar and Swami who were doing the same work as himself, were getting Special Assistant's Special Allowance. Indeed, he submits, he was also paid this allowance during the periods 19-5-1981 to 5-6-1981 and 3-2-1982 to 13-2-1982, in which he had worked in absence of the aforesaid two workmen. Primarily he found, his claim to the Special Allowance on the Bipartite Agreements dated 19-10-1966 and 17-9-1984. He further submits that Kirtikar had approached this Tribunal and Justice R. D. Tulpule had by his Award dated 27-11-1984, directed payment of the aforesaid Special Allowance to him. It is not in dispute that the Management has discontinued the allowance from 7-6-1982. The workman challenges this act of the Bank as unjustified and requests for restoration of the allowance.

3. The Bank resists the claim of the workman mainly on two grounds. In the first instance, it challenges the workman's assertion that his duties require greater skill or responsibility, over and above the routine duties and functions of an ordinary Clerk in the Correspondence Department. The second ground of attack is that the workman was not eligible for appointment as a Special Assistant in terms of the Bipartite Settlement of 1966 and as such he is not entitled to the Special Allowance.

4. The workmen has filed affidavit in support of his case, while Shri Prabhu who is the Branch Manager of the Mint Road Branch, Bombay, has filed his affidavit in rebuttal. The parties have also filed documents which have been exhibited by consent. Both witnesses have been cross-examined by the other side. I shall dispose of the second contention of the Bank first, because it has virtually no substance in it and was not pressed at the final stage of arguments. There is no warrant for the proposition that it would be a pre-condition for a workman to claim Special Allowance that he is eligible for appointment to the higher post. What is necessary is that the workman should have actually performed or discharged certain additional duties and functions requiring greater skill or responsibility, over and above his routine duties. The crucial question for de-

cision will be whether the workman has performed some duties which form part of a Special Assistant's job. If yes, he will be entitled to the Special Allowance, if not, he must fail. Eventually I address myself to this question.

5. The duties of a Special Assistant are enumerated in Appendix-3 to the Settlement dated 19-10-1966 and Schedule-III to the Settlement of 17-9-1984. The relevant extracts are available at Exhibit M-3 and Exhibit M-4 respectively. Exhibit M-4 lists the following duties :

1. Passing independently cash, cheques upto Rs. 10,000 and clearing and transfer cheques, vouchers, etc. (Whether credits or debits) up to and including Rs. 25,000 (or any higher limit fixed by the Bank on its own discretion). Passing will include verification of signatures and scrutiny as to the correctness of endorsements on and other particulars of such instruments;
2. Signing all vouchers, cheques, drafts, mail-transfers, pay orders, advices such as non-payment advices, inter-branch fate calling advices, bill schedules, demand notices, statements certificates, etc.
3. Checking all vouchers, advices, statements, cheques, drafts etc., bills, and books of accounts including current, savings and other ledgers, cash postal and revenue stamps, franking machine balances.
4. Checking current, savings, and other ledgers. Provided that if any additional allowance is paid to any employee/s under any existing system in a bank for ledger checking, such payment and ledger checking system shall continue undisturbed and such continuance shall preclude any claims by a workman for a change in status.
5. Checking the coding and decoding of telegrams (excluding check symbols or cyphers). 'Checking' would mean verifying that the material checked is in order in all respects and also includes initialling the same for authentication.
6. Discharging, endorsing cheques, bills, etc.
7. Inspecting godowns (only in banks where such work is already being done by workmen)."

6. According to Shri Vaidya, learned Advocate for the workman, he was doing the job of checking postal stamps and franking machine balances, apart from other responsible work such as opening of registered mail and marking the same to different departments. He submits that item number 3 in Exhibit M-4 covers the work done by the workman. The learned advocate further points that under the two Bipartite Settlements or the law as interpreted by the Supreme Court, it is not necessary for a workman laying claim to a Special Allowance to prove that he was performing all the duties attached to the higher jobs; it would be enough, if he is performing some of such duties. He relies on 1976 I LLJ—90 (at 93), Central Bank of India Limited Vs. Sirir Kumar Shaw. This Supreme Court decision is a clear authority for the aforesaid proposition. Para 5.6 of the Settlement of 19-10-1966 (Exhibit M-1) also concedes in so many words that "it would, however, not be necessary that a workman should continue to perform such duties or discharge such functions, whole time, in order to be entitled to such allowance". I find substance in Shri Vaidya's submissions.

7. As against this, Shri Prabhu, Branch Manager, Mint Road Branch, Bombay, while admitting that the present workman has been doing the same duties as his predecessors, Kirtikar and Swami, contends that the particular item of duty relied upon by the workman in support of his claim to Special Allowance, does not attract item number 3 in Exhibit M-4. The thrust of his evidence and Shri Rele's submissions from the Bar is that handling of franking machines and maintaining account relating thereto, is a job which is done by the subordinate staff (that is, a Peon) and not by a responsible hand like a Special Assistant. I cannot persuade myself to agree with this proposition. Operating franking machines and maintaining its accounts—particularly the latter act—are certainly acts of serious responsi-

bility, akin to those of handling postal stamps and keeping their account. Obviously, these cannot normally be entrusted to a Peon. Prabhu also affirms in his affidavit that in 1976, the strength of the staff in the Branch in question was about 250 and several officers, and that it progressively shrank in size and importance with passage of time. According to him, at the moment there are 13 Clerks (including 3 entrusted with Special Assistant's work), 8 subordinate staff and 4 officers, including himself in the Branch. The Department which was formerly known as Correspondence Department, he adds, has now shrank to a despatch desk manned by the present workman alone, with himself as the Manager at the top. His endeavour is to show that the volume of present workman's work has considerably gone down and as such he cannot lay claim to the Special Allowance. Again I find myself unable to accept the logic of this approach. When this evidence is analysed in the correct perspective what emerges is that the volume of work in the Correspondence Department (or in 'Despatch Desk' in Prabhu's words) does not justify whole time posting of a Special Assistant. This is precisely why the Bank has been following sound policy of entrusting that work to a Clerk, in addition to his normal work. Prabhu's evidence, in my opinion does not detract from the validity of the workman's claim. I see substance in Shri Vaidya's submission that some of the jobs performed by the workman do attract item number 3 of Exhibit M-4.

8. The matter does not rest here. At the cost of repetition, may I say that Prabhu has admitted in his cross-examination in so many words that the present workman has been precisely doing the same items of work, as were previously being done by his two predecessors—Swami and Kirtikar. It is not in dispute that Kirtikar had moved this Tribunal for grant of Special Assistant's Allowance and that Justice Tulpule had passed an Award in his favour, upholding his claim in its entirety. This Award is filed by the workman at Exhibit W-8. Justice Tulpule has recorded a clear finding that Kirtikar was discharging additional duties and functions requiring greater skill and responsibilities and that as such he was entitled to the Special Assistant's Allowance. I am in respectful agreement with his reasoning. The Bank further admits that after Kirtikar, Swami was being paid this allowance. Indeed, the present workman was also paid this allowance during short spells in which he had worked in absence of his two predecessors in 1981 and 1982. It is difficult to appreciate what made the Bank withdraw this allowance with effect from 7-6-1982.

9. Taking into consideration all the facts and circumstances of the case, I am satisfied and accordingly I hold that the workman has continued to perform part-time duties of a Special Assistant in addition to his normal work of a Clerk and is as such entitled to Special Assistant's Allowance. The Management was not justified in discontinuing that allowance with effect from 7-6-1982. He will be entitled to get this allowance at the prescribed rates with effect from 7-6-1982, till he continues to perform his present duties.

Award accordingly.

S. N. KHATRI, Presiding Officer.
[No. L-12012/15/88-D.IV(A)/IR(B)-I]
PADMA VENKATACHALAM, Dy. Secy.

नई दिल्ली, 9 फरवरी, 1990

का. ग्रा. 692—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 9th February, 1990

S.O. 692.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in Industrial dispute between the employers in relation to the Central Bank of India and their workmen, which was received by the Central Government.

ANNEXURE

BEFORE SHRI G. S. KALRA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
NEW DELHI

I.D. No. 33/83

In the matter of dispute between :

Shri Surender Kumar Saxena,
F-6/2, Krishna Nagar, Delhi-110051.

Versus

The Assistant General Manager,
Central Bank of India,
Link House, 4 Bahadur Shah Zafar Marg,
New Delhi.

APPEARANCES :

Shri T. C. Gupta—for the workman.

Shri D. D. Kapoor—for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012(139)/81-D.II(A) dated 8th March, 1982 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Central Bank of India in relation to their Sonepat branch in terminating the services of Shri Surendra Kumar Saxena, Clerk w.e.f. September, 1961 and not reinstating him even after his acquittal in February, 1979 in the criminal case filed by the management is justified? If not, to what relief the workman concerned is entitled".

2. It is hopeless case. It appears that the workman has misled the Central Government into making this reference. The criminal case in which the workman was prosecuted and acquitted in February, 1979 was filed by the United Bank of India and not by the Management of the Central Bank of India against whom relief is being sought. Moreover, the charges of misconduct on which the accused was found to be guilty and his services terminated by the Management in September, 1961 were altogether different from the charges on which he was proceeded against in the criminal court and acquitted. Therefore, the acquittal of the workman in the criminal case has got no relevant whatsoever with the order of his termination passed in September, 1961 by the Management. Understandably, the Management could not be expected to be in possession of all the relevant records pertaining to the charge sheet and the enquiry leading upto the order of termination in September, 1961, which was not challenged all this time. All the same, the Management has placed on record copies of the relevant documents which are Annexures RI to RV of the W.B. Annexure RI is the memo dated 15th March, 1961 which was served upon the workman which reads as under :

"BID 14/142/39 CD(1) 15th March 1961."

MEMO

On a scrutiny of the Books at our Sonepat Office, the following irregularities have been reported to us by the Internal Auditor.

(1) On 15th January, 1960 three vouchers for Rs. 4430.62, Rs. 4190.25 and Rs. 3925 were substituted for one voucher for Rs. 12545.80 in respect of three bills amounting from Naya Bazar Office.

(2) Similarly on 6th April, 1960 four vouchers for Rs. 3743.13, Rs. 1874.94, Rs. 2092.06 and Rs. 2313.23

were substituted for one voucher for Rs. 10023.38 relating to four bills received from United Bank of India, Ltd., Chandni Chowk, Delhi, drawn on different drawees.

(3) Again on 4th May, 1960 five vouchers for Rs. 2802.44, Rs. 2502.38, Rs. 2242.19, Rs. 2483.56 and Rs. 6550.09 were substituted for one voucher for Rs. 16580.66 in respect of five bills drawn on different drawees received from United Bank of India Ltd., Chandni Chowk, Delhi.

In order to support these substituted vouchers, the respective books viz, the Cash Scroll and Cashier's receipt book have been altered, by erasing the original entries therein and making new entries as per the new vouchers, smudging the writings by dropping water on the folios resulting in blurred marks and tearing off and substituting certain new folios.

The substituted vouchers as also the folios of the Cash Scroll are in the handwriting of Mr. S. K. Saxena.

Mr. Saxena is hereby called upon to explain within five days from the receipt of this Memo why he has tampered with the books of the Bank as aforesaid.

Sd/-

Assistant Manager.

Vide his letter dated 27th March, 1961 (Annexure R2) the workman requested for permission to inspect the record in order to submit his reply. Thereafter the workman submitted his reply dated 13th April, 1961 (Ex. R-3) in which he admitted the allegations against him and clearly stated that he accepted having changed the vouchers and made alterations in the cash scroll book under the instructions and personal supervision of Mr. M. S. Nagar. Thereafter formal charge sheet dated 8th April, 1961 (Ex. R-4) was served upon him. The domestic enquiry was conducted in the presence of the workman on 24th August, 1961 (Ex. W-5) and before the enquiry officer the workman was told that he had already admitted the charges against him and he was asked to state whether there was any thing further to add and he stated that he had nothing further to say, nor he desired to examine any other witnesses in his defence or produce any evidence. The enquiry was therefore concluded and the enquiry officer submitted his findings (Annexure R6). Then followed the order dated 15th November, 1961 (Ex. R7) of the dismissal of the services of the workman. Annexure R8 is the order of the Appellate Authority whereby the appeal filed by the workman was dismissed and annexure R-9 is the order dated 16th July, 1964 whereby a mercy petition dated 3rd July, 1964 filed by the workman was also rejected. Not only this the Management sought approval of the National Industrial Tribunal Bombay for the termination of the services of the workman vide Annexure R-10. It is management's case that the National Tribunal had accorded approval applied for by it for the termination of the services of the workman. Now the workman has got the audacity to say in his statement of claim that no charge sheet was issued to him nor any domestic enquiry held against him. It appears that the workman has intentionally tried to confuse the termination of the services by Management on separate charges with the criminal trial and his acquittal in order to derive undue advantage. The workman has abused process of the court and has not come to this Tribunal with clean hands and this reference is liable to be rejected on this short ground. We may note here as to what the workman had to say in his cross-examination as WW-1 regarding the charge sheet served upon him by the Management and the domestic enquiry conducted against him which resulted in termination of his services by the Management in September, 1961. Some of the relevant deposition made by him are reproduced below:

"I cannot recall whether I duly received the show cause notice of 1961. I had submitted my reply to the said show cause notice. It is incorrect to suggest that I had admitted the charges levelled in the said show cause notice. I definitely remember that the charge sheet was served upon me either in 1960 or 1961 and a departmental enquiry was held. I had received a notice regarding proposed punishment of dismissal against me based on the domestic enquiry but I did not submit any reply. I cannot recollect whether I received the final orders of dismissal from service. I had filed a mercy appeal which was re-

jected. The appeal referred by me in para 16 of the affidavit pertains to the said mercy appeal. The complaint of denial of personal hearing in para 16 also pertains to the said mercy appeal. I cannot say whether the decision of the Management on my mercy appeal was received by me or not. Again said perhaps the order rejecting my mercy appeal was received by me. It is incorrect to suggest that I admitted the charges against me before the Enquiry Officer on 24th August, 1961. I did not receive copies of the Enquiry Proceedings and this fact I definitely recall. I am not aware whether the bank had filed an application before the National Tribunal for approval of their action. I admit the correctness of the reply Ex. M-1 filed by me before the Labour Court. I did not participate in the proceedings before the National Tribunal for approval of action. I did not file any other appeal except the mercy appeal against the order of my dismissal. I admit my signatures on Ex. M2 and received the document. Again said I cannot recollect whether it was an appeal or a mercy appeal. Document Ex. M2 pertains to any of those appeals."

Ex. M1 which has been admitted by the workman is a petition submitted by him in the Central Government Labour Court Jallandhar wherein again he admitted the fact of having changed the bank's record, albeit he alleged that it was at the behest of M. S. Nagar.

3. In view of the discussion made above I consider it utter waste of time to discuss individually the following issues which were framed in this case.

1. Whether the domestic enquiry held against Mr. Surender Kumar Saxena was properly held ?
2. As in terms of reference.
3. Whether the reference is bad on account of delay ?
4. Whether the dispute is properly espoused ?
5. Whether the reference is bad on account of the fact that criminal case referred in reference was never instituted by the Central Bank of India ?

As already observed, the acquittal of the workman in the criminal case in February, 1979 which has been mentioned in the Schedule of the reference has nothing to do with the order of termination of the services of the workman passed by the Management in September, 1961. As the workman had admitted the charges against him there was hardly any ground with him to challenge the order. It is now too late in the day for the workman to challenge the order which was passed as far back as 1961. Therefore, the reference also suffers from staleness. The workman is also guilty of suppressing material facts and not coming to the Tribunal with clean hands. Hence this reference is answered against the workman and in favour of the Management and it is held that the workman is not entitled to any relief.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Govt. for necessary action at their end.

G. S. KALRA, Presiding Officer

9th November, 1989.

[No. L-12012/139/81-D.II(A)]

नई दिल्ली, 13 फरवरी, 1990

का. आ. 693.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकारण, अहमदाबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को प्राप्त हुआ था।

New Delhi, the 13th February, 1990

S.O. 693.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Ahmedabad as shown in the Annexure in the Industrial dispute between the employers in relation to the Union Bank of India and their workmen, which was received by the Central Government.

ANNEXURE Ex-60

BEFORE SHRI G. S. BAROT, PRESIDING OFFICER-
INDUSTRIAL TRIBUNAL (CENTRAL) AT AHMEDABAD

Reference (IT) No. 19 of 1981

Adjudication

BETWEEN

The Union Bank of India, Ahmedabad,

AND

Their workman Shri M. D. Patel.

In the matter of termination of the services of Shri M. D. Patel under order dated 18th July, 1978.

APPEARANCES :

Shri B. K. Oza, Advocate—for the Union Bank of India.
Shri S. M. Pandit, Advocate—for the workman.

AWARD

The Central Government, in exercise of the powers conferred by Section 7A and clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, constituted an Industrial Tribunal with the undersigned as Presiding Officer, and referred for adjudication the dispute between the employers in relation to the Union Bank of India and their workman, in respect of the matter specified in the Schedule annexed to the order of reference, viz:—

"Whether the action of the management of Union Bank of India in relation to its Dhanlaxmi Market Branch at Ahmedabad in terminating the services of Shri M. D. Patel, Special Assistant, under order dated 18th July, 1978 is justified? If not, what relief is the workman concerned entitled?"

2. The facts leading to the present reference may be briefly stated. On 10th May, 1973 a loose cheque for Rs. 10,000 purported to have been drawn by one of the account-holders of the Dhanlaxmi Branch (Ahmedabad) of the Union Bank of India ("the Bank" to be brief) was presented at the counter of the Bank, for which a token was issued. Cash payment of the said cheque was made to one P. T. Shah at the cash counter of the Bank. No entry was made in the ledger account of the said account-holder. This discrepancy was found by the Bank on 28th May, 1973. On enquiry, it was found that the said account-holder had not drawn any such cheque nor any demand was made for a loose cheque by the account-holder or anybody on his behalf. Obviously, therefore, the signature on the cheque was forged and somebody had fraudulently encashed it. The Bank then filed a F.I.R with the Saherkotda Police Station. On completion of the necessary enquiries, the police arrested three employees of the Bank, one of whom was Shri M. D. Patel, the workman concerned ("hereinafter referred to as the workman concerned"). A criminal case was filed in the Metropolitan Court against the three employees. After considering the evidence produced before him and hearing the parties, the Learned Metropolitan Magistrate passed an order on 4th September, 1975 acquitting all the three accused including the workman concerned. It appears that the Bank itself had in the meanwhile also issued a Charge-sheet against the workman concerned on 3rd October, 1974. A departmental enquiry was ordered and the first hearing at the enquiry was held on 10th March, 1975. The said enquiry was continued even after the order of the Metropolitan Court. A number of witnesses were examined at the enquiry by both the sides and the Enquiry Officer recorded his findings on 10th June, 1977 in which he found the charges levelled against the workman concerned to have been proved and recommended his dismissal from service. However, after considering the findings of the Enquiry Officer, the services of the workman concerned were terminated by an order dated 18th July, 1978. It is this action of the Bank in terminating the services of the workman concerned which is under adjudication in the present reference.

3. Shri S. M. Pandit, the learned advocate for the workman concerned has challenged the order of termination mainly on the ground that the said order was illegal and void as it was based on the departmental proceedings which could

not be instituted when the Criminal Court had acquitted the workman concerned. In this connection, reliance is placed on the decision of the Hon'ble Gujarat High Court in *Abdul Hakim v. District Superintendent of Police*, 19 G.L.R. page 210, and the recent judgement also of the Gujarat High Court in *Rameshchandra Ranchhodlal Patani vs. Superintendent of Police*, in Special Civil Application No. 2294 of 1988. I have carefully gone through both the above referred decisions and I am of the opinion that the observations of Their Lordships in those decisions do not support the case of the workman concerned, inasmuch the facts in the present case are different from those in the above referred cases. In the present case, not only the charges levelled in the departmental proceedings differ from those in the criminal proceedings but the evidence led at the departmental enquiry was also materially different. If we read the order of the Learned Metropolitan Magistrate, Ex. 29, it says that the prosecution had sought to establish the main role played by the workman concerned in this crime mainly on the statement of a witness named Harshadbhai Ratanlal Dave and the Learned Magistrate disbelieved that statement. However, the departmental proceeding show that he was charged with misconduct in doing acts prejudicial to the interest of the Bank and committing or abetting commitment of fraud of Rs. 10,000. In evaluating the evidence before him, the Enquiry Officer has not relied only on the statement of Shri Harshadbhai Ratanlal Dave but on a number of other things which established the guilt of the workman concerned. It is true, as held by the Hon'ble High Court, that departmental proceedings cannot be entertained as a matter of course, without anything more, when the Court of law has acquitted the delinquent. However, in the present case, enormous evidence has come out in the oral evidence of a number of witnesses examined at the enquiry (which was not before the Learned Metropolitan Magistrate) which point to the guilt of the workman concerned. Validity of the enquiry is not seriously challenged. Only a grievance has been made that some documents were not given to him. What was the nature and importance of those documents is not stated. Considering the matter as a whole, it appears to me that the enquiry was quite legal and proper. The Enquiry Officer has come to his conclusion after applying his mind fully and fairly. It is not the case of the workman concerned that the conclusion of the Enquiry Officer was perverse. Although allegations have been made regarding his having been victimised, nothing has been brought on record to support those allegations. In his cross-examination before this Tribunal, the workman concerned has admitted that he has paid up the sum of Rs. 10,000 to the Bank through a slip filled up in his name. However, he has made an attempt to explain this by saying that it was not his own money but the money was given to him by other persons in the Bank. When questioned as to which persons of the Bank had given the money, he pleaded ignorance. In my opinion, this circumstance would also point to his guilt.

4. Shri Pandit also relied on a decision of the Hon'ble Court in *Scooter Indin Ltd. v. Labour Court, Lucknow and others* (AIR 1989 SC 149), and argued that even if the Disciplinary Enquiry is found to be fair and lawful and its findings are not vitiated in any manner, that itself would not be ground for non-interference with the order of termination. It is true that in that case the Labour Court had under the powers conferred under S. 6(2A) of the U.P. Industrial Disputes Act, 1947 (analogous to Section 11A of the Industrial Disputes Act, 1947) set aside the order of termination and reinstated the workman in that case with payment of 75 per cent back wages, on the ground that the erring workman should be given opportunity to reform himself and prove to be a loyal and disciplined employee of the Company. However, the following observations of the Labour Court reproduced in the decision of the Hon'ble Supreme Court are noteworthy:—

"Having regard to all these circumstances and the reasons given above I would hold that the order of termination was not justified in the circumstances of this case. I would therefore set aside the order of termination of service and direct that the workman shall be reinstated within one month the award becoming enforceable. The workman has unfortunately to blame himself for much of the bad blood which had developed between him and the management and therefore his conduct, motivated by ideals which are not relevant, has been far from satisfactory."

tory in so far as it was rough, bordering on rudeness and with highly exaggerated sense of his duties. In these circumstances it will meet the ends of justice if back wages to the extent of 75 per cent are allowed to the workman. I would make my award accordingly but there shall be no order as to costs."

So, the misconduct in that case consisted of a conduct which was rough bordering on rudeness because of highly exaggerated sense of duties. However, in the present case, the misconduct relates to a fraud of Rs. 10,000 of the Bank's money. The gravity of the misconduct in the present case has no comparison to the misconduct in that case. In the case of Shri K. C. Jani Vs. the State Bank of Saurashtra, reported in Gujarat Law Herald Vol. III at page 327, the Hon'ble Gujarat High Court has observed :

"Ordinarily the Court would have sympathy for an employee who is going to lose his employment and thereby his means of maintenance would disappear. But in a case wherein the employee is guilty of an offence involving moral turpitude or a deliberate act of dishonesty, the Court's sympathy would be misplaced and may result in injustice done to the employer. No employer can be saddled with a responsibility to retain an employee who is proved to be corrupt or indulging in dishonest practices especially in an institution like a Bank which has to deal with depositor's money. Showing sympathy in a case like this could possibly be constituted as condoning corruption or even possibly be regarded as indirectly encouraging dishonesty".

In the present case, as stated above, the workman concerned was found to have been involved in a fraud of the Bank's money and therefore any sympathy shown to him would clearly be misplaced. It is well known that in recent years the level of administration and honesty in Banks has greatly deteriorated with the result that frauds in Banks such as the one in the present case (which were unheard of several years ago) come to light off and on. Unless deterrent punishment is meted out to the guilty, the position is not likely to improve.

5. Under the circumstances, the action of the Bank in terminating the services of the workman concerned was fully justified and I do not see any reason to interfere with the same. No order as to costs.

G. S. BAROT, Presiding Officer
[No. L-12012/119/80-D.II(A)]

V. K. VENUGOPALAN, Desk Officer

Ahmedabad,

Dated, 29th December, 1989.

नई दिल्ली, 12 फरवरी, 1990

का. आ. 694.—केन्द्रीय सरकार का समाधान दो गया है कि लोकहित में ऐसा करना अपेक्षित है कि भारत अन्तर्राष्ट्रीय विमानपत्तन प्राधिकरण में सेवा को, जो औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 27 के अंतर्गत आती है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवा घोषित किया जाना चाहिए :

अतः अब औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (4) के उपखंड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए छह माह की अवधि तक के लिए तत्काल लोक उपयोगी सेवा घोषित करती है।

[संच्या एस-11017/187-डी-1(ए)]

New Delhi, the 12th February, 1990

S.O. 694.—Whereas the Central Government is satisfied that the public interest requires that the service in the International Airports Authority of India, which is covered by entry 27 in the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act;

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares with immediate effect the said industry to be a public utility service for the purposes of the said Act for a period of six months.

[F. No. S-11017/1/87-D.I(A)]

नई दिल्ली, 22 फरवरी, 1990

का. आ. 695.—केन्द्रीय सरकार ने यह समाधान हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (4) में उपखंड (5) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 2382 दिनांक 4 सितंबर, 1989 द्वारा बैंक नोट प्रेस, देवास (मध्य प्रदेश) को उक्त अधिनियम के प्रयोजनों के लिए, 4 सितंबर, 1989 से छह मास की कालावधि के लिए उपयोगी सेवा घोषित किया था ;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छह मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खंड (4) के उपखंड (5) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोग के लिए 4 मार्च, 1990 से छ: मास की और कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[संच्या एस-11017/14/85-डी-1(ए)]

नन्दलाल, अवर सचिव

New Delhi, the 22nd February, 1990

S.O. 695.—Whereas the Central Government having been satisfied that the public interest so required had, in pursuance of the provisions of sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the notification of the Government of India in the Ministry of Labour S.O. 2382 dated the 4th September, 1989 the Bank Note Press, Dewas (MP) to be a public utility service for the period of six months, from the 4th September, 1989;

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months;

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby declares the said industry to be a public utility service for the purpose of the said Act, for a further period of six months from the 4th March, 1990.

[No. S-11017/14/85-D.I(A)]

NAND LAL, Under Secy.

नई दिल्ली, 19 फरवरी, 1990

नई दिल्ली, 22 फरवरी, 1990

का. आ. 696.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार, निदेशक, श्रम व्यूरो कार्यालय चंडीगढ़ में अनुभाग अधिकारी श्री जी. एस. संधु को दिनांक 29-1-90 से 31-1-90 तथा 7-2-90 से 9-2-90 तक उत्प्रवासी संरक्षी, चंडीगढ़ के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[सं. ए-22012(1)/90-उत्प्र.]

New Delhi, the 19th February, 1990

S.O. 696.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorises Shri G. S. Sandhu, Section Officer in the office of Director, Labour Bureau, Chandigarh to perform all functions of Protector of Emigrants, Chandigarh in the office of Protector of Emigrants, Chandigarh from 29th January, 1990 to 31st January, 1990 and from 7th February, 1990 to 9th February, 1990.

[No. A-22012/1/90-Emig.]

का. आ. 697.—उत्प्रवास अधिनियम, 1983 (1983 का 33) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निदेशक, श्रम व्यूरो कार्यालय, चंडीगढ़ में अनुभाग अधिकारी श्री हरविन्दर सिंह को दिनांक 1-2-90 से 6-2-90 तक उत्प्रवासी संरक्षी, चंडीगढ़ के सभी कार्यों को करने के लिए प्राधिकृत करती है।

[सं. ए-22012(1)/90 उ.प्र.]

S.O. 697.—In exercise of the powers conferred by Section 5 of the Emigration Act, 1983 (31 of 1983), the Central Government hereby authorise Shri Harvinder Singh, Section Officer in the office of Director, Labour Bureau, Chandigarh to perform all functions of Protector of Emigrants, Chandigarh in the office of Protector of Emigrants, Chandigarh from 1st February, 1990 to 6th February, 1990.

[No. A-22012/1/90-Emig.]

नई दिल्ली, 22 फरवरी, 1990

का. आ. 698.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री ओ. पी. पाहुजा अनुभाग अधिकारी को दिनांक 26 फरवरी 1990 से अगला आदेश जारी होने तक उत्प्रवासी संरक्षी - II, वर्सर्ह के रूप में नियुक्त करती है।

[सं. ए-22012(1)/90-उत्प्रवास]

प्रदीप सिंह, अवार सचिव

New Delhi, the 22nd February, 1990

S.O. 698.—In exercise of the powers conferred by Section 3, sub-section (1) of the Emigration Act, 1983 (31 of 1983), the Central Government hereby appoints Shri O. P. Phuja, Section Officer as Protector of Emigrants-II, Bombay with effect from 26th February, 1990 till further orders.

[No. A-22012/1/90-Emig.]

PRADEEP SINGH, Under Secy.

का. आ. 699.—अंतर्राष्ट्रीय विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में केन्द्रीय सरकार ट्रावंकोर टीटानियम प्रोडक्ट्स लि., त्रिवेन्द्रम के प्रबंधनकारी के सम्बद्ध नियोजकों और उनके कर्मलाभों के बीच, अनुबंध में निर्दिष्ट अंतर्राष्ट्रीय विवाद में अंतर्राष्ट्रीय अधिकरण, क्षूलन के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार 20-2-1990 को प्राप्त करती है।

S.O. 699.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Quilon as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Travancore Titanium Products Limited, Trivandrum and their workmen, which was received by the Central Government on 20-2-1990

ANNEXURE (IN THE COURT OF THE INDUSTRIAL TRIBUNAL,

QUILON

(Dated, this the 5th day of February, 1990)

PRESENT :

Sri C. N. Sasidharan Industrial Tribunal.

IN

Industrial Dispute No. 8/87

BETWEEN

The Managing Director, Travancore, Titanium Products Limited, Kochuveli, Post Box No. 1, Trivandrum-695021.

(By Sri B. S. Krishnan, Advocate, Ernakulam)

AND

The General Secretary, Titanium Products Labour Union, T.C. No. 28/1365, Puthenchanthal, Trivandrum-695001.

(By Sri N. Krishnan Kutty, Advocate, Trivandrum)

1. Sri S. Satheesan Asari, Supervisor (Machine Shop), Travancore Titanium Products Ltd., Trivandrum. Impleaded as additional parties.

2. Sri S. Sreekumaran Nair, Charge hand, Travancore Titanium Products Ltd., Trivandrum. Impleaded as additional parties.

(By Sri R. Lekshmana Iyer, Advocate, Trivandrum)

3. Sri Rajan Valath, Travancore, Titanium Products, Trivandrum.

AWARD

The Government of India, as per order No. L-29012(6)/85-D.III (B) dated 18-6-1987 referred this dispute between the above parties to this Tribunal for adjudicating the following issue.

SCHEDULE

"Is Titanium Products Labour Union justified in demanding, that the seniority of Shri J. Augustine, Charged hand Turner should be fixed higher to S/Shri Satheesan Achary, Sreekumaran Nair and Rajan Vaath employees in the Engineering Department of Travancore Titanium Products Ltd., and that he should have been promoted in 1977 itself atleast notionally. If justified, to what relief Sri J. Augustine is entitled?"

2. The President of the Titanium Products Labour Union, the union espousing the cause of workman Sri Augustine in this case, has filed detailed statement which is briefly as below : Sri Augustine and S/Shri Sathesesan Asari, Sreekumaran Nair and Rajan Valath were workmen belonging to the Tradesman category in the Engineering Department of the management company. Sri Augustine was appointed as Turner on 7-8-1971 and promoted as chargehand on 19-6-1982. Sri Sathesesan Asari entered the service of the company on 11-8-1971 as Machinist and promoted as chargehand on 24-11-1977. Sri Sreekumaran Nair and Rajan Valath joined as Machinist on 4-1-1974 and promoted as chargehand on 23-2-1978. Sri Augustine is thus senior to the other three workmen. But the management, overlooking the claim of Sri Augustine for promotion to the post of chargehand promoted the other three workmen in the post of chargehand arose in 1977 and 1978. In all departments particularly in the engineering department of the company the practice followed was that the senior most among the various tradesmen in the department would be preferred for promotion without any discrimination based on particular trade in the department. Sri Krishna Pillai, whose trade was Turner, was promoted as chargehand on 1-1-1968 when a vacancy arose in the post. Sri Augustine used to work in the place of Sri Krishna Pillai whenever he was absent for duty. When the post of chargehand arose in 1977 the claim of Sri Augustine was overlooked and he was discriminated. His seniority in the engineering department was denied to him for promotion. The case of the union is that Sri Augustine should have been promoted to the post of chargehand in 1977 itself. Though the union was to ready to forgo the backwages/benefits the management was not prepared to accept the just demand of the union. Due to the demands and representation of the union, Sri Augustine was promoted as chargehand only on 19-6-1982 which was confirmed as per the arbitration decision of the Managing Director. The claim of the union is for promotion from 24-11-1977 with backwages.

3. The management traversed the case of the union in its statement. The contentions are briefly as under. At the time of recruitment of Sri Augustine in 1971 the Turner section was functioning under the supervision of chargehand machinist in the machine shop which comprises a trade of Machinist and Turner. At that time the Subordinate Service Rules ('the Rules' for short) framed in 1967 was in force and in that rules the post of Machinist and Turner were grouped together and were interchangeable. Both Turner and Machinist form the feeder category for promotion to the higher grade i.e. chargehand. The Rules were revised in June 1977 in consultation with all the unions. The present union was also a party to the decision which resulted in the revision of the rules in 1977. The Rules revised by the settlement in June 1977 were made applicable for promotion from that day onwards. By that rules the post of Turner and Machinist were bifurcated for purpose of promotion as chargehand and criteria for promotion from each grade were also fixed. The feeder category for the post of chargehand Turner was fixed as Turner with requisite experience and the feeder category for the post of chargehand machinist was Machinist with requisite experience. Hence the channel of promotion to Sri Augustine became only in the cadre of chargehand turner as and when vacancies arose and not in the cadre of chargehand machinist. After the coming into force of the 1977 Rules three vacancies of chargehand machinist arose and the same were filled up by the three Machinist on promotion from their respective feeder categories. Sri Augustine was not eligible for the said promotion as the vacancies were of chargehand Machinist. Two promotees were juniors to Sri Augustine. Since Sri Augustine made repeated representations his case was viewed and post of Turner was upgraded to the level of chargehand with effect from 19-6-1982. Sri Augustine would not have got promotion but for the upgradation of the Turner in to chargehand. The upgradation was done only to accommodate Sri Augustine taking a lenient view. This was opposed by majority of the unions and the matter was referred to the Managing Director and the Managing Director confirmed the upgradation on 9-5-1983. Subsequently one more post of Turner was upgraded on 19-12-1982. It is thus clear that due consideration was given to the workers of Turner section particularly to Sri Augustine. If upgradation is given retrospectively it will come give rise to more disputes and will create a chain of reaction. If the upgradation of Sri Augustine is reopened the affected parties must be heard. They

are not parties before this Tribunal. The management has not promoted any Turner who is junior to Sri Augustine. If the claim of Sri Augustine is allowed that will end in more industrial disputes.

4. The union has filed a replication denying the case of the management and reaffirming the contentions advanced by the union. It is further stated that the rules were framed without the concurrence of the workmen. The union raised disputes over the 1977 Rules which led to arbitration by Sri M. P. Narayana Menon who passed the award on 3-3-1985. Hence any promotion particularly of Sri Augustine cannot be considered as valid or binding based on the rules. The bifurcation of the post Turner and Machinist as per 1977 Rules was against the privilege or right of concessions which the workmen were enjoying previously. Therefore it is illegal and unenforceable as it is not in accordance with Section 9-A of Industrial Disputes Act 1947. In 1967 Rules the post of Turner and Machinist were never considered as grouped together or as one post. Both the said Rules are the same in the matter of promotion and there is no justification for bifurcation of the said two posts. The upgradation in 1982 is not to the satisfaction of Sri Augustine or in settlement of his claim. The claim of Sri Augustine for promotion with retrospective effect has not been nullified as per the award of Managing Director.

5. At the instance of the union S/Shri Sathesesan Asari, Sreekumaran Nair and Rajan Valath have been pleaded as additional parties. They have also filed separate statements supporting the contentions of the management. It is further stated that the promotion of Sri Krishna Pillai who belonged to the grade of Turner did not lay down any policy or practice. Such promotion was effected on the basis of the Rules then in existence. Promotion cannot be claimed as a matter of right. It is a process of selection after interviewing atleast three persons against a single vacancy. Sri Augustine has no right to claim seniority over the three workmen in the category of chargehand. The Rules of 1977 were framed and implemented after consulting the unions. So many promotions were effected on the basis of 1977 Rules, which are binding on the workmen and the management. As per 1977 Rules specific qualifications were prescribed for selection and promotion to the post of chargehand. Sri Augustine was not at all qualified to the post of Machinist chargehand as per these Rules. The impleaded workmen have got right to enjoy the benefit of seniority on the basis of promotion given to them as per the Rules existed in the company.

6. Sri Augustine has given evidence as WW-1. The impleaded workmen have also given evidence as WW-2 to WW-4. The management examined its manager as MW-1 and Section Officer as MW-2 and Exts. M-1 to M-20 have been marked on the side of the management.

7. The claim of Sri Augustine is for promotion to the post of chargehand from 24-11-1977 as his juniors S/Shri Sathesesan Asari, Sreekumaran Nair and Rajan Valath were promoted from that day onwards. Admittedly Sri Augustine joined the service of the company earlier than the other three workmen. According to him was therefore entitled for promotion and the management unjustifiably promoted the other three workmen overlooking his seniority. But according to the management while these four workmen were selected in the year 1971 and 1974, Ext. M-3 Rules of 1967 was in force and as per Ext. M-3 post of Machinist and Turner were grouped together and were interchangeable. Both these posts formed the feeder category to the post of higher grade i.e. chargehand. But Ext. M-3 Rules were revised with effect from June 1977. This revisions, according to the union, was unilaterally made by the management and hence he lost his promotion. But according to the management 1977 Rules were framed in consultation with the unions. Ext. M-1 2-A is the draft of 1977 Rules which is circulated to the unions and Ext. M-14 is the office copy of letter issued to unions inviting suggestion from the unions regarding the Rules. All the unions submitted their suggestions as per Ext. M-14 to M-18 letters. Ext. M-15 is the suggestion submitted by the union of Sri Augustine. Ext. M-19 is the consolidated statement of Managing Director after considering suggestions. MW-1 has categorically stated that concurrence of the unions is not necessary in framing Rules but only the suggestions are required. It is thus clear that Ext. M-4 Rules were framed after inviting suggestions of unions. There is therefore no violation of Section 9-A of the Industrial Disputes

Act. The contention of Sri Augustine that the unions were not consulted in framing 1977 Rules is therefore unsustainable.

8. As per Ext. M-4 Rules post of Turner and Machinist were bifurcated for purpose of promotion as chargehand. Feeder category for the post of chargehand Turner was fixed as Turner with requisite experience and feeder category in the post of chargehand Machinist was Machinist with requisite experience. Sri Augustine was appointed as Turner. As per Ext. M-4 Rules the channel of promotion to Sri Augustine became only in the cadre of Turner as and when vacancy arose in that post and not in the cadre of chargehand Machinist. There is nothing on record to show that Sri Augustine or his union has raised any objection regarding this clause in Ext. M-4 Rules. It is also not disputed that after framing of Ext. M-4 Rules any post of chargehand Turner arose. Three posts of chargehand Machinist arose and the other three workmen in this case were promoted as they were eligible as per Ext. M-4 Rules. They were promoted after test, interview etc. and after found suitable. Sri Augustine was not called for interview as he was not eligible to be promoted as chargehand Machinist. The contention of the union is that Ext. M-4 Rules were not finalised in 1977 and disputes were raised which resulted Ext. M-2 Award only on 3-3-1985. It is true that the unions raised some disputes regarding Ext. M-4 Rules and the dispute were referred to Sri M. P. Narayana Menon and he passed an Award in which all unions including the union representing Sri Augustine were parties. In paragraph 8 of Ext. M-2 it is stated that it is revised Rules and that these revised Rules shall supersede the existing Rules now in force. It is further stated that the revised Rules shall not however have the effect of nullifying any action taken under existing Rules prior to the coming into force of this revised Rules. This statement makes it clear that Ext. M-4 1977 Rules were in force at the time of passing Ext. M-2 Award and as per Ext. M-2 the actions taken by the management as per Ext. M-4 Rules are not nullified. Ext. M-2 is not challenged by any unions. Thus it has become final. The learned counsel for the union placed reliance on clause-5 of Ext. 20 Minutes dated 9-1-1980 for the position that Ext. M-4 Rules has not come into force till then. Ext. M-20 is the Minutes of the meeting held with the representatives of unions and management to discuss the action initiated by management for promotion to fill up the existing vacancies. In the Minute as per clause 5 it is stated that till the new Rules are finalised the existing Rules will be followed for promotion. At that time the disputes regarding certain provisions of Ext. M-4 Rules was pending decision of the Arbitrator and he passed the Ext. M-2 Award in 1985. As I have stated earlier Ext. M-2 is revised Rules and the action taken by management as per existing Rules are not nullified as per Ext. M-2. It is thus clear that Ext. M-4 Rules were in force before Ext. M-2 Award and the management has followed the same. Hence the existing Rules mentioned in clause-5 of Ext. M-20 can only be Ext. M-4 Rules. This is clarified by MW-2 also. This contention of the union also therefore fails. The management has followed Ext. M-4 Rules and promoted Sri Sathesan Asari and the other two workmen which is fully justified. Therefore no interference is called for from this Tribunal.

9. Sri Augustine bases his claim on the promotion given to Sri Krishna Pillai as chargehand who was Turner. According to Sri Augustine he was holding the charges of Sri Krishna Pillai as and when he was absent for duty. Therefore he is entitled to be promoted in that post. But it is to be noted that Sri Krishna Pillai was promoted as chargehand Machinist on 1-1-1968 and during that time Ext. M-3 Rules of 1967 was in force and the post of Turner and Machinist were grouped together. That position was subsequently changed in 1977 and Sri Augustine cannot therefore take shelter behind the promotion given to Sri Krishna Pillai and claim promotion relying on that.

10. The union has yet another contention that the management has no authority to frame Rules in the absence of any specific provision. At the outset I may state that there is no plea to that effect in the statement filed by the union. The management is a Public Sector Company. It has come in evidence that the Rules were framed by the Board of Directors. There is no challenge or dispute regarding 1967 rules framed by the management. At the time of submitting

Ext. M-15 suggestion before framing Ext. M-4 Rules, the union has not raised any such contention that the management has no authority to frame Rules. This union also participated in the proceedings which led to Ext. M-9 Award against the disputes raised by the unions regarding Ext. M-4 Rules. There also the jurisdiction of management was not disputed. Ext. M-2 is not challenged by any unions much less the union representing Sri Augustine. Having accepted Ext. M-3, 1967 Rules and having submitted suggestions before framing Ext. M-4 Rules an also having participated in the proceedings which led to Ext. M-2. Sri Augustine and his union cannot now turn round and argue that the management has no authority to frame Ext. M-4 Rules.

11. Union has no case of unfair labour practice or favouritism. Several promotions have been effected on the basis of Ext. M-4 Rules which were admitted by the workmen and management. If contention of Sri Augustine is accepted and interfered in the promotions given to Sri Sathesan Asari and other two workmen that will definitely upset the other promotions effected by the management which will ultimately result industrial unrest in the company. Considering the request of Sri Augustine the management upgraded him as chargehand from 16-2-1982 onwards which was objected to by all the unions except INTUC union. The unions threatened with dire consequence and the matter was finally referred for arbitration of Managing Director and the Managing Director as per Ext. M-7 award confirmed the upgradation of Sri Augustine. The objection of unions to this upgradation shows that he is not eligible to that post in the absence of a vacancy of chargehand Turner and that the unions are not prepared to accept a change from the practice followed in the company as per the existing Rules in the matter of promotions. Hence the present claim of Sri Augustine for promotion from 24-11-1987 if accepted will lead to several unnecessary disputes. On that ground also the request of Sri Augustine cannot be allowed.

12. The claim for promotion of Sri Augustine is belated also. Sri Sathesan Asari was promoted on 24-11-1977. But the request of Sri Augustine for promotion was made only on 29-11-1979 as chargehand Turner. The contention is that MW-1, the manager of the company has admitted before this Tribunal that the claim of Sri Augustine was there before 1979 and therefore the claim of Sri Augustine is not belated. But in the absence of any representation or request from Sri Augustine for promotion the mere statement of MW-1 that the claim of Sri Augustine was there before 1979 cannot be acted upon. The statement of MW-1 regarding the claim of Sri Augustine can only be the request for getting allowance for acting in the place of Sri Krishna Pillai as per Ext. M-7 and M-8 representations of Sri Augustine dated 24-2-1978 and 31-3-1978 respectively. No claim for promotion as chargehand Turner was made as per Ext. M-7 and M-8. No other representation or evidence to show that Sri Augustine made a request for promotion as chargehand before 29-11-1989. Hence the above mentioned statement of MW-1 cannot be relied on by Sri Augustine for the position that he has requested for promotion before 29-11-1989. Even the copy of that representation was not produced before this Tribunal to understand the position. The union has another contention that in Ext. M-9 and M-10 replies issued to Sri Augustine by the management in response to the representation dated 29-11-1987 for promotion, it was not stated that as per 1977 Rules Sri Augustine is not eligible for promotion as chargehand. In Ext. M-9 it is stated that the request of Sri Augustine as per 29-11-1987 representation was being considered. In Ext. M-10 it is stated that no juniors to Sri Augustine in his trade had been promoted overlooking his seniority. It was not necessary to say that he was not eligible for promotion as per 1977 Rules as he has not challenged that rules any time. Further, as per Ext. M-12 letter

issued to the labour authorities by the management the details are clearly stated. Hence this contention of the Union is also devoid of merit.

13. For the foregoing reasons I pass an award holding that the Titanium Products Labour Union is not justified in demanding seniority of Sri Augustine as Chargehand Turner over S/Shri Sathesan Asari, Sreekumaran Nair and Rajan Valath. Sri Augustine is not entitled to any relief.

C. N. SASTIDHARAN, Industrial Tribunal

[No. L-29012(6)/85-D. III (B)/Pt. file]

APPENDIX

Witnesses examined on the side of the Workmen :

WW-1—Sri J. Augustine

WW-2—Sri Satheesan Asari

WW-3—Sri Rajan Valath.

WW-4—Sreekumaran Nair.

Witnesses examined on the side of the Management :

MW-1—Sri N. M. Vijayan

MW-2—Sri R. Vijayakumar.

Documents marked on the side of the Management :

Ext. M-1—Copy of order issued to Sri P. Krishna Pillai Turner on 1-1-1968 from the management company

Ext. M-2—Award of Sri M. P. Narayana Menon

Ext. M-3—Subordinate Service Rules 1967

Ext. M-4—Subordinate Service Rules 1977

Ext. M-5—Office copy of order upgrading the post of Chargehand Turner and elevating Sri Augustine dated 22-6-1982

Ext. M-6—Minutes of the meeting of union representatives with the management held on 5-7-1982

Ext. M-7—Representation submitted by Sri Augustine to the Personnel Manager of the Company on 24-2-1978

Ext. M-8—Representation submitted by Sri Augustine to the Personnel Manager of the Company on 31-3-1978

Ext. M-9—Office copy of letter issued to Sri Augustine from the Personnel Manager of the company on 14-12-1979

Ext. M-10—Office copy of letter issued to Sri Augustine from the Personnel Manager of the company on 21-8-1980

Ext. M-11—Office copy of letter issued to General Secretary Titanium Products Labour Union Trivandrum from the management on 21-5-1984

Ext. M-12—Office copy of letter issued to Asst. Labour Commissioner (Central) from the management on 29-10-1984

Ext. M-12-A—Draft rules

Ext. M-13—Office copy of letter issued to the unions from the management on 23-4-1977

Ext. M-14—Office copy of letter issued to the unions from the management on 26-5-1977

Ext. M-15—Suggestions submitted by Titanium Products Labour Union to the management on 15-6-1977 with covering letter

Ext. M-16—Suggestions submitted by Titanium General Labourers Union to the management on 15-7-1977 with covering letter

Ext. M-17—Suggestions submitted by Travancore Titanium Products Employees Union dated 15-6-1977

Ext. M-18—Suggestions submitted by Titanium Workers Union dated 15-6-1977

Ext. M-19—Consolidated statement of Managing Director

Ext. M-20—Minutes of the meeting of the representatives and the management held on 9-1-1980.

प्रबंधतात से सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-1990 को प्राप्त हुआ था।

S.O. 700.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. S. N. Sunderson and Company, Satna and their workman, which was received by the Central Government on 20-2-1990.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER,
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT, JABALPUR (M.P.)

Case No. CGIT/LC(R)(23)/1982

PARTIES :

Employers in relation to the management of M/s. S. N. Sunderson & Co. Satna and their workman Shri Shambhu S/o Mathura, Compressor Operator, Deora Mine, represented through the General Secretary, Satna Stone and Lime Workers Union, Satna, (M.P.).

APPEARANCES :

For Workman : Shri Chandra Shekhar Tiwari.

For Management : Shri S. K. Chatterjee.

INDUSTRY : Stone Mine. DISTRICT : Satna, (M.P.).

AWARD

Dated, the 1st February, 1990

By Notification No. L-29011(30)/81-D-III(B), dated 16th March, 1982 the Central Government, Ministry of Labour, referred the following dispute to this Tribunal, for adjudication :—

“Whether the action of the management of M/s. S. N. Sunderson & Co., Satna in stopping Shri Shambhu S/o Mathura, Compressor Operator, Deora Mine from his work with effect from 22nd June, 1980 is justified ? If not, to what relief the workman is entitled ?”

2. It is not disputed that Shri Shambhu S/o Mathura was working as Compressor Operator. It is also not disputed that M/s. S. N. Sunderson & Co., Satna is dealing in the mining work of lime at Satna, Maihar, Katni, Jukehi etc. with its Head Office at Doshbandhu, New Delhi. It is also not disputed that Deora Limestone and Lime Bhatta is a part of the said Company. It is also not disputed that said workman was stopped from service from 22-6-1980. M/s. S. N. Sunderson & Co., Satna looks after the mining work while M/s. S. N. Sunderson (Mineral) Ltd. looks after the drilling work etc.

3. The case of the workman/Union is that M/s. S. N. Sunderson & Co., Satna as also M/s. S. N. Sunderson (Mineral) Ltd. Satna are one and the same party, though on paper they have been shown to be different entity but both these concerns are run by the same persons and from the same place.

4. The workman had been working as Compressor Operator in Deora Limestone, Satna for last about 10 years where 250—300 workers were also employed. Ordinarily, during rainy season the water used to be pumped out from the mine and the mining work would continue. But due to differences with the management on account of minimum wages which the management was not paying the work of the Deora Limestone Mine was closed on 22-6-1980 stating that the mine has been filled with water. This was done in order to harass the workmen as a result of which number

of workmen became unemployed. Shambhu Prasad opposed action of the management on behalf of the Union and the Union took out the procession and sought for indulgence of the Government to ask the management to start the work again, as a result of which the workman Shambhu Prasad was not given work since thereafter. The Union sent a letter to the management on 22-11-1980 vide No. 845/80 but the management did not even care to reply to it. On 25-11-1980 and 14-12-1980 also memorandum was given to the Collector but to no effect.

5. Under the order of reference M/s. S. N. Sunderson & Co., Satna has been made a party while M/s. S. N. Sunderson (Mineral) Ltd., Satna has not been made a party but the notice was issued by the Court to M/s. S. N. Sunderson (Mineral) Ltd. also and it also participated in the proceedings.

6. The case of M/s. S. N. Sunderson & Co. Ltd. is that he was never employee of the said company because it is a registered partnership firm. He was engaged in drilling section as a driller from 27-2-1978 of M/s. S. N. Sunderson (Mineral) Ltd. who owns the Compressor and its unit drilling and have taken a contract from M/s. S. N. Sunderson and Co. to dig holes for blasting of Limestone in the mines with the use of Compressor. The said S. N. Sunderson (Mineral) Ltd. used to be paid for the job rendered at a flat rental basis at the rate of Rs. 1.00 per feet of drilling. The control, supervision and engagement of labourers in the use of Compressor working and drilling work was exclusively with S. N. Sunderson (Mineral) Ltd. Thus S. N. Sunderson and Co. having no concern with Shambhu Prasad, no dispute existed between Shambhu Prasad and M/s. S. N. Sunderson and Co. The reference is bad in law because there is no relation of employer employee between them. The Central Government did not apply its mind to this matter of jurisdiction while exercising its powers to make a reference under Section 10(1) of the I.D. Act as against Company. Shri Shambhu Prasad never issued any notice of conciliation before raising a dispute, the reference is therefore bad in law and this Court has no jurisdiction to give an Award. Accordingly, the workman concerned is not entitled any relief. It is further stated while amending the statement that if the Court holds that the Shambhu was employee of M/s. S. N. Sunderson (Mineral) Ltd., it is an industry covered and governed by the provisions of M. P. Industrial Relations Act, 1960 as they are the Lime Industry vide Notification No. 9952-XVI dated 31-12-1960 and therefore relief cannot be granted under the provisions of the Industrial Disputes Act. It is further stated that new parties to Industrial Dispute cannot be added suo moto and proceeding of the dispute could be confined only between the parties as shown in the order of reference.

7. According to the M/s. S. N. Sunderson (Mineral) Ltd., it was never made a party before the Assistant Labour Commissioner (Central) in the dispute but only S. N. Sunderson and Co. was opposite party. It is on this basis only that the reference has been made and this concern was not made a party. Now this concern cannot be made a party in as much as if this concern is made a party the nature of reference shall be changed and this Court is not competent to change the nature of reference. It is only the Central Government that can change the nature of reference. Shambhu S/o. Mathura was a workman with M/s. S. N. Sunderson (Mineral) Ltd. since the very beginning of his service, he never worked with S. N. Sunderson and Co. Both the concerns are entirely separate and they are separately run. S. N. Sunderson and Co. is a registered partnership firm while S. N. Sunderson (Mineral) Ltd. is a limited Company registered under the Companies Act. Thus the reference is not tenable and is liable to be rejected.

8. The following issue was framed by learned predecessor and my finding is recorded against the same:—

ISSUE:

Whether the workman Shri Shambhu S/o Mathura, Compressor Operator, Deora Mine was an employee of M/s. S. N. Sunderson & Co. or of M/s. S. N. Sunderson (Mineral) Ltd. on 21-6-1980 when he is alleged to have been stopped from working?

FINDING:

He was employee of M/s. S. N. Sunderson & Co.

REASONS FOR MY FINDINGS:—

This case itself appears to be a very interesting case in as much as not only the names of the concerns are almost similar but they are openly pleading the cause of each other in as much as the management of M/s. S. N. Sunderson and Co. while amending its statement of claim pleaded on behalf of M/s. S. N. Sunderson (Mineral) Ltd. and stated that M/s. S. N. Sunderson (Mineral) Ltd. being governed by the provisions of M. P. Industrial Relations Act, 1960 as they are the Lime Industry and vide Notification No. 9952-XVI, dated 31-12-1960 the provisions of M.P. Industrial Relations Act, 1960 applied and this Court has no jurisdiction to answer this reference. Thus M/s. S. N. Sunderson & Co. and M/s. S. N. Sunderson (Mineral) Ltd., Satna are just playing the game of defeating the cause of the workman concern by showing vide Ex. M/1, M/2, that M/s. S. N. Sunderson and Co. is a registered partnership and M/s. S. N. Sunderson (Mineral) Ltd. is a company incorporate under the Companies Act as also certain attendance papers Ex. M/3 to Ex. M/5 that Shambhu is the employee of M/s. S. N. Sunderson (Mineral) Limited since the very beginning has filed Ex. W/1 to Ex. W/3, Ex. W/4, to show that both the concerns are one and the same and as per Ex. W/3 the Regional Labour Commissioner (C) issued the notice to M/s. S. N. Sunderson (Mineral) Ltd. and M/s. S. N. Sunderson and Co.

10. It is in this context that provisions of Section 183(b) would come into play and within its narrow jurisdiction this Court can certainly pass the award as against S. N. Sunderson (Mineral) Ltd. who has not only been noticed but joined in the proceedings. It is certainly in such types of cases where the party added claims to be employer that the provisions of Section 183(b) can be invoked within its narrow campus. It stands the test that M/s. S. N. Sunderson (Mineral) would be a necessary party to make an adjudication itself effectively enforceable. (See O. P. Malhotra on the Law of Industrial Disputes Fourth Edition Vol. 2, page 1244). It may be added that reading of Section 3(a) and (b) would clearly show that the parties which are not parties to the industrial dispute, to be more clear, in the order of reference, can be summoned by the Court to appear in the proceeding and award can be binding on such summoned parties also as envisaged by Section 18 of the I.D. Act. (See Hochtief Gammon Vs. Industrial Tribunal, Bhubaneshwar and others A.I.R. 1964 S.C. 1746, paras 5, 6, 11 & 12).

11. Not only this, but according to M.W. 1 S. K. Chatterjee who has been examined on oath on behalf of the employer he appeared before the Labour Commissioner in conciliation proceedings on behalf of S. N. Sunderson & Co. and taken objection that Shambhu is not their employee but thereafter he did not attend the conciliation proceedings. This conduct of S. K. Chatterjee itself reveals that he was aware of the fact that S. N. Sunderson (Minerals) would look after the interest of S. N. Sunderson & Co.

12. In cross-examination this witness further admits that though he is an employee of S. N. Sunderson & Co. he has been appearing on behalf of S. N. Sunderson (Mineral) Ltd. under its power because he holds general power of attorney on behalf of S. N. Sunderson (Minerals) Ltd. to represent all his cases. He further admits that both the Companies are situated in the same building. They have office at the same building in Satna and Maihar. He has also admitted that at Satna and Maihar the telephone connection is common. He could not deny that a cheque of his company and the cheque of Mineral Company are drawn in favour of S. N. Sunderson & Co.

13. W.W. 1 Shambhu, W.W. 2 Bihari and W.W. 3 Chandra Shekhar Tiwari have categorically stated that both the companies are one and the same. They have been separately registered only with the purpose of frustrating the right of the workers. Shambhu and Gavadin have even gone out to say that one does not know as to which of the company has employed them though Shambhu specifically stated that he is the employee of S. N. Sunderson & Co. but bonus has been paid by the Minerals Co. because both the Companies are one of the same. Gavadin says that he cannot find out to which Company he belongs because both have common office and common official. So also is the statement of W.W. 3 Chandra Shekhar Tiwari.

14. In this view of the matter it is patently clear that M/s. S. N. Sunderson & Co., Sama and M/s. S. N. Sunderson (Minerals) Ltd. are two faces of the same coin and it matters little whether Shambhu Prasad S/o Mathura was an employee of M/s. S. N. Sunderson & Co. or M/s. S. N. Sunderson (Minerals) Ltd. Even assuming that Shri Shambhu was an employee of M/s. S. N. Sunderson (Minerals) Ltd. M/s. S. N. Sunderson & Co. has been summoned for valid reasons and this Court has jurisdiction to pass an Award which shall be binding on M/s. S. N. Sunderson (Minerals) Ltd. Not only this, even assuming that M/s. S. N. Sunderson & Co. looks after the mining work while M/s. S. N. Sunderson (Minerals) Ltd. looks after the drilling work of whose workman Shambhu is said to have been, thereby meaning that Shambhu is Contractor's worker; but obviously, M/s. S. N. Sunderson & Co. would have economic control over the workers' subsistence, skill and continued employment. Hence, Shambhu would be deemed to be the workman of M/s. S. N. Sunderson & Co. In such circumstances, Supreme Court in the case of Hussainbhai Calieff Vs. Alath Factory, Tezhilali Union (1978) Lab. I.C. 1264 (1265) has observed as follows:—

"Where a worker or group of workers labours to produce goods or services and these goods or services are for the business of another, that other is, in fact, the employer. He has economic control over the workers' subsistence, skill, and continued employment. If he, for reason, chokes off, the worker is, virtually, laid off. The presence of intermediate contractors with whom alone the workers have immediate or direct relationship ex-contract is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the Management, not the immediate Contractor.**** If the likelihood of the workmen substantially depends on labour rendered to produce goods and services for the benefit and satisfaction of an enterprise, the absence of direct relationship or the presence of dubious intermediaries or the make-believe trappings of detachment from the Management cannot snap the real-life bond. The story may vary but the inference defies ingenuity. The liability cannot be shaken off. Of course, if there is total dissociation in fact between the disowning management and the aggrieved workmen, the employment is, in substance and real-life terms, by another. The Management's adventitious connections cannot ripen into real employment."

15. In this state of affairs jurisdiction of this Court cannot be taken away merely by pleading that Industrial Relations Act applies in this case. Even S. N. Sunderson (Minerals) Ltd. being employers in mining work is carrying the Mining Operation by virtue of Section 2(i)(i) of the Mines Act, 1952.

16. That apart this Court cannot go behind the order of reference which has proceeded with the assumption that Shambhu was employee of S. N. Sunderson & Co. as held in the case of Azad Koyal Shramik Sabha Vs. W.C.L. M.P. No. 3958/88, decided on 2-8-1989 by this High Court.

17. I therefore hold that Shri Shambhu S/o Mathura, Compressor Operator, Deora Mine was an employee of M/s. S. N. Sunderson & Co. on 22-6-80 when he is alleged to have been stopped from working. Few papers Ex. M/3 to M/5 would not come in the way of my aforesaid finding.

18. No justification has pointed out as to why his services were stopped with effect from 22-6-1980. It is an additional factor which goes to show that M/s. S. N. Sunderson & Co. has been relaxing on the technicality of this case by throwing the ball in the Court of its other face. Thus there being no justification for stopping his work he is entitled to be continued in service from 22-6-80 onwards with all the consequential benefits. My answer to the reference would be as follows:—

19. The action of the management of M/s. S. N. Sunderson & Co. in stopping Shambhu S/o Mathura, Compressor Operator, Deora Mine from his work with effect from 22nd June, 1980 is not justified. He would be deemed to be in continuous service from 22-6-1980 onwards with all the consequential benefits. Award is accordingly.

V. N. SHUKLA, Presiding Officer
[No. L-19011(3) 81-D.IV(B)]
S. VENUGOPALAN, Desk Officer

का. या. 701:—आंतरिक विवाद अदानियम, 1947 (1947 वा 14) की धारा 17 के अन्तर्गत में केन्द्रीय सरकार नीमस ट्रिब्यूनल कोन्सिलर लि. मधुजोर कोनियर के प्रबंधन में सम्बंधित नियोजक और उनके कर्मचारों के बीच, अनुवध में निर्दिष्ट औद्योगिक विवाद में कानूनी गवाह आंतरिक अधिकरण कांगड़ा के पंचपट वाले प्रकाशित करनी है, जो केन्द्रीय सरकार को 21-2-90 की प्रात द्वारा था।

का. या. 701:—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employer in relation to the management of Madhujore Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 21-2-90.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 68 of 1986

PARTIES:

Employers in relation to the management of Madhujore Colliery of M/s. Eastern Coalfields Ltd.

AND

Their workmen.

PRESENT:

Mr Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCES:

On behalf of employers—None.

On behalf of workmen—None.

STATE : West Bengal

INDUSTRY : Coal.

AWARD

By Order No. L-19012(8)/86-D.IV(B) dated 23rd October, 1986, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of Madhujore Colliery of M/s. Eastern Coalfields Ltd. in dismissing Shri Saroj Kumar Mukherjee is justified? If not, to what relief the workman in dispute is entitled?"

2. The case record is put up today as I was on casual leave on 8-2-1990, the date fixed for hearing.

3. It appears that the Union filed a petition on 8-2-1990, stating therein that the Union is not interested to proceed with the present reference and as such has prayed for a "No Dispute Award". The said petition has been endorsed by the Management with the remark "No objection".

4. Accordingly the case is taken up today and on due consideration of the petition of the Union, I pass the "No Dispute Award".

This is my Award.

Dated, Calcutta,

The 12th February, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-19012(8)/86-D.IV.B/IR(C.II)]

का. आ. 702:—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इंस्टर्न कोलफील्डज लि. की चिनकुरी माइन सं. II के प्रबंधतत्र में संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करने हैं, जो केन्द्रीय सरकार 22-2-90 को प्राप्त हुआ था।

S.O. 702.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Chinakuri Mine No. II of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 20-2-90.

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA

Reference No. 79 of 1986

PARTIES:

Employers in relation to the management of Chinakuri Mine No. II of M/s. Eastern Coalfields Limited

AND

Their workmen.

PRESENT:

Mr. Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCES:

On behalf of employers—Mr. B. N. Lala, Advocate.

On behalf of workmen—None.

STATE : West Bengal. INDUSTRY : Coal.

AWARD

By Order No. L-19012/22/86-D.IV(B) dated 11th November, 1986, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication:

"Whether the action of the Management of Chinakuri Mine No. II of M/s. Eastern Coalfields Limited in dismissing Shri Maloo Lohar, Underground Loader with effect from 8-11-1984 is justified? If not, to what relief the workman is entitled?"

2. When the case is called today for hearing, Mr. B. N. Lala, Advocate appears for the Management but nobody appears for the workmen. A petition has however been received from the Union stating therein that Union is not interested to proceed with the present reference and has prayed for a "No Dispute Award". Mr. Lala for the Management has no objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of Mr. Lala for the Manager, I find that this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly I do so. This is my Award.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-19012(22)/86-D.IV.B/IR(C.II)]

Dated, Calcutta,

The 12th February, 1990.

का. आ. 703:—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स इंस्टर्न कोलफील्डज लि. की चिनकुरी माइन सं. II के प्रबंधतत्र में संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओद्योगिक विवाद में केन्द्रीय सरकार ओद्योगिक अधिकरण कलकत्ता के पंचपट नो प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-90 को प्राप्त हुआ था।

S.O. 703.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Real Jambad Unit of Bahula Colliery of M/s. E.C. Ltd. and their workmen, which was received by the Central Government on 20-2-90.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA
Reference No. 95 of 1988

PARTIES:

Employers in relation to the management of Real Jambad Unit of Bahula Colliery of M/s. E.C.L.
AND

Their workmen.

PRESENT:

Mr. Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCES:

On behalf of employers—Mr. P. Banerjee, Advocate.

On behalf of workmen—None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(147)/86-D.IV(B) dated 16-6-1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication:

"Whether the Management of Real Jambad Unit of Bahula Colliery of M/s. E.C.L. was justified in dismissing Shri Rajdeo Singh, Pump Khalasi from his services? If not, to what relief the workman concerned is entitled?"

2. When the case is called out today for hearing, Mr. P. Banerjee, Advocate appears for the Management but nobody appears for the workmen. A petition has however been received from the Union stating therein that the Union is not interested to proceed with the present reference and has prayed for a "No Dispute Award". Mr. Banerjee for the Management has no objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of Mr. Banerjee for the Management, I find that this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed. This is my Award.

Dated, Calcutta,

The 7th February, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. 19012(147)/86-D.IV(B)/IR(C.II)]

R. K. GUPTA, Desk Officer.

नई दिल्ली, 27 फरवरी, 1990

का. अ. 704 :—ओर्डरिंग विवाद अधिनियम, 1917
(1917 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दैर्घ्य इंस्टर्न कॉलफील्ड्स लि. को पुरुषोत्तमपुर आंसीपी के प्रबंधन के मरमद नियोगकों और उनके वर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डरिंग विवाद में केन्द्रीय सरकार ओर्डरिंग अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-2-90 को प्राप्त हुआ था।

S.O. 704.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Purushottampur OCP of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 22-2-90.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 94 of 1988

PARTIES:

Employers in relation to the management of Purushottampur OCP of M/s. Eastern Coalfields Ltd.

AND

Their workmen.

PRESENT:

Mr. Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCES:

On behalf of employers—Mr. P. Banerjee, Advocate.

On behalf workmen—None.

STATE : West Bengal.

INDUSTRY : Coal

AWARD

By Order No. L-19012(152)86-D.IV(B) dated 17-6-1987, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the Management of Purushottampur OCP M/s. E.C. Ltd., P.O. Pandaveshwar, Distt. Barddwan in denying promotion to S/Shri Ram Sakal Singh and Gorukh Singh, Clerks from Gr. II to Gr. I from the date their junior was promoted was justified? If not, to what relief the workmen concerned are entitled?"

2. When the case is called out today for hearing, Mr. P. Banerjee, Advocate appears for the Management but nobody appears for the workmen. A petition has however been received from the Union stating therein that the Union is not interested to proceed with the present reference and has prayed for a "No Dispute Award". Mr. Banerjee appearing for the Management has no objection in this regard.

3. On due consideration of the petition as well as the submission of Mr. Banerjee appearing for the Management, I find that this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

This is my Award.

Dated, Calcutta,

The 14th February, 1990.

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-19012(152)/86-D.IV.B/IR(C-II)]

का. अ. 705 :—ओर्डरिंग विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व सेसम इंस्ट्रन कॉलफील्ड्स लि. की सोदेपुर कॉलियरी के प्रबंधन के मरमद नियोगकों और उनके वर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्डरिंग विवाद में केन्द्रीय सरकार ओर्डरिंग अधिकरण कलकत्ता के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-2-90 को प्राप्त हुआ था।

S.O. 705.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sodepur Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 22-2-90.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 28 of 1986

PARTIES:

Employers in relation to the management of Sodepur Colliery of M/s. Eastern Coalfields Limited

AND

Their workmen.

PRESENT:

Mr. Justice Sukumar Chakravarty, Presiding Officer.

APPEARANCES:

On behalf of employers—Mr. B. N. Iala, Advocate.

On behalf of workmen—Mr. Amalendu Mitra, Counsel.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012(69)/85-D.IV(B) dated 8th March, 1986, the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the Management of Sodepur Colliery of M/s. E.C. Ltd. in not regularising S/Smt. Sonadi Mejhian and 34 others, Casual Wagon Loaders (as mentioned below) of Pothi Colliery in their posts is justified? If not to what relief the workmen are entitled?"

ANNEXURE 'A'

1. Sonadi Mejhian
2. Fulmoni (No. 1)
3. Fulmoni (No. 2)
4. Sitkutmoni Mejhian
5. Ch Moni Mejhian
6. Tene Moni Mejhian
7. Dhamni Bhuiya
8. Fulbasia Bhuiya
9. Badali Bauri
10. Chatki Ghatalawal
11. Soni Bauri
12. Bhani Bauri
13. Saradhani Mejhian
14. Kamala Bauri
15. Bindoo Bauri
16. Bijela Bauri
17. Debi Gope
18. Bimla Gope
19. Murni Bhuiya
20. Lakhi Majhian
21. Sanj Mejhan

22. Ludhi Mejhan
23. Kalandi Mejhan
24. Mangli Mejhan
25. Rasamoni Mejhan
26. Sukhi Mejhan
27. Menaka Bauri
28. Menna Orang
29. Genni Orang
30. Dasi Orang
31. Suman Bhuiya
32. Chhabia Bhuiya
33. Ch. Sumi Bhuiya
34. Rambasia Bhuiya
35. Amni Bibi.

2. When the case is called out today for hearing, Mr. B. N. Lala, Advocate appears for the employers and Mr. Amolesh Mitra, Council appears for workmen. Mr. Mitra files a petition duly signed by the Organising Secretary of the Union, stating therein that the Union is not interested to proceed with the present reference and has prayed for a "No Dispute Award". Mr. Lala appearing for the employer has objection in this regard.

3. On due consideration of the petition of the Union as well as the submission of the parties, I find that this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

This is my Award.

Dated, Calcutta.

The 14th February, 1990

SUKUMAR CHAKRAVARTY, Presiding Officer
[No. L-19012(69)/85-D.IV.B/JR(C-II)]

का. आ 706.—आंदोलिक विवाद अधिनियम, 1947 (1947 वा 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार व ईंसर्स ईंस्टर्न कोलकाता लि. की सतग्राम कोलियरी के प्रबंधत्व के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निरिट औंडोलिक विवाद में केन्द्रीय सरकार औंडोलिक अधिकरण कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-2-90 को प्राप्त हुआ था।

S.O. 706.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure in the industrial dispute between the employers in relation to the management of Satgram Colliery of M/s. Eastern Coalfields Ltd. and their workmen, which was received by the Central Government on 22-2-1990.

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL
AT CALCUTTA
Reference No. 75 of 1988

PARTIES :

Employers in relation to the management of New Satgram Colliery of M/s. E. C. Ltd.

AND

Their Workmen

PRESENT :

Mr. Justice Sukumar Chakravarty

.. Presiding Officer.

APPEARANCES :

On behalf of employers : None.

On behalf of workmen : None.

STATE : West Bengal.

INDUSTRY : Coal.

AWARD

By Order No. L-19012 (148)/86-D. IV (B), dated 10th June, 1987, the Government of India, Ministry of Labour, referred the following dispute to the Tribunal for adjudication :—

"Whether the action of the Management of New Satgram Colliery of M/s. E. C. Ltd. in not referring Shri Banat Mochi, UG Trammer to the Medical Board for assessment of his disease of a permanent nature with a view to depriving him of the benefit of Clause 10.4.3 of NCWA-II, is justified? If not, to what relief the workman is entitled?"

2. When the case is called out today for hearing, nobody appears from either side. No petition has also been received for adjournment from either side. It appears from the record that the workmen did not appear on previous occasions also inspite of service of notices. This Tribunal by its order dated 8-11-1989 directed that if the workmen would fail to appear on the date fixed the case would be taken up in their absence.

3. It appears that the parties are not interested to proceed with the present reference. In the circumstances, this Tribunal has no other alternative but to pass a "No Dispute Award" and accordingly a "No Dispute Award" is passed.

The 14th February, 1990.

Dated, Calcutta,

The 14th February, 1990.

SUKUMAR CHAKRAVARTY,
Presiding Officer.

[No. L-19012 (148)/86-D. IV. B/IR (C-II)]

R. K. GUPTA, Desk Officer

नई दिल्ली, 26 फरवरी, 1990

का. आ. 707 :—आंदोलिक विवाद अधिनियम, 1947 (1947 वा 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रोटून रेलवे लांसी, के प्रबंधत्व के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निरिट औंडोलिक विवाद में केन्द्रीय सरकार औंडोलिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-2-90 को प्राप्त हुआ था।

New Delhi, the 26th February, 1990

S.O. 707.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workmen, which was received by the Central Government on 20-2-90.

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.).

Case No. CGIT/LC(R)(16)/1986

PARTIES

Employers in relation to the management of Central Railway, Jhansi and their workmen
Shri Lakhnai S/o Dhan Singh, Gram Naogaon, Post Bina, Distt. Sagar (M.P.),

APPEARANCES

For Workman.—Shri P. S. Nair, Advocate.

For Management.—Shri P. D. Pathak, Advocate.

INDUSTRY : Central Railway DISTRICT Sagar (M.P.).

AWARD

Dated 31st January, 1990

Exercising powers under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947, the Central Government has referred the following dispute for adjudication to this Tribunal vide Notification No. L-41012(57)83-D.II(B), dated 22nd January, 1986 :—

“Whether the action of the management of Central Railway, Jhansi in terminating the services of Shri Lakhlanlal S/o Dhansing, Casual Labour with effect from 14-10-82 is legal and justified ? If not, to what relief the workman is entitled to ?”

2. On receipt of the order of reference, parties filed their pleadings and documents, after which the case was fixed for evidence of parties. On 15-10-87 the workman filed his affidavit but the management took several adjournments for cross-examining the workman and ultimately on 17-11-89 the workman closed his case. The management stated that they do not want to adduce any evidence and closed their case.

3. On being pointed out by the Counsel for the management that the workman is still serving the management, the Court sought verification from the workman and the workman admitted that he is still working with the management. Shri P. D. Pathak, Counsel for the management further assured me that with the policy of the management, the workman shall be considered for regularisation. Hence the reference is answered as follows :

The question of the action of the management of Central Railway, Jhansi in terminating the services of Shri Lakhlanlal S/o Dhau Singh, Casual Labour w.e.f. 14-2-80 is legal and justified does not arise because he is still in service.

Awarded accordingly.

V. N. SHUKLA, Presiding Officer
[No. L-41012/57/83-D.II(B) (pt.)]

का० आ० 780 :— अधिकारिक विवाद अधिनियम, 1947 (1947 का 14) की शारण 17 के अनुसार में केंद्रीय सरकार गन कैरिज फैक्ट्री के प्रबंधनन के भवित्व नियोजकों और उनके कर्मकारों के बीच, अनबंध में निर्दिष्ट औद्योगिक विवाद में केंद्रीय सरकार औद्योगिक अधिकारण जबलपुर के पंचपट को प्रकाशित करती है, जो केंद्रीय सरकार के 20-2-80 को प्राप्त हुआ था।

S.O.708.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute be-

ween the employers in relation to the management of Gun Carriage Factory, Jabalpur and their workmen, which was received by the Central Government on 20-2-90

ANNEXURE

BEFORE SHRI V. N. SHUKLA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.).

Case No. C.G. 1T/LC(R)(50) of 1986

PARTIES

Employers in relation to the management of Gun Carriage Factory, Jabalpur and their workman Smt. Romala Ramesh, Asstt. Teacher represented through the General Secretary, GCF Employees Union, Plot No. 84, New Colony, New Shobhapur, Jabalpur (M.P.).

APPEARANCES

For Workman.—Shri P. S. Nair, Advocate.
For Management.—Shri C. K. Sharma, Advocate

INDUSTRY : Gun Carriage Factory. DISTRICT : Jabalpur (M.P.).

AWARD

Dated 9th February, 1990

The Central Government exercising powers under Section 10(1)(d)(2A) of the Industrial Disputes Act, 1947 has referred the following dispute for adjudication vide Notification No. L-13012(6)85-D. II(B), dated the 26th May, 1986 to this Tribunal :

“Whether the action of the management of Gun Carriage Factory, Jabalpur (M.P.) in punishing Smt. Romala Ramesh, Asstt. Teacher GCF School by orders of penalties dated 8-10-1979, 11-10-84 and 11-12-84 justified ? If not, to what relief the workman concerned is entitled ?”

2. Undisputed facts of the case are that Smt. Romala Ramesh is working as Asstt. Teacher in the G.C.F. School for 13 years. It is also not disputed that several punishments were imposed on her.

3. The statement of the workman in brief is that her husband being one of the active trade union worker he has been victimised with various punishments. When these punishments did not yield any result, management started victimising his wife Smt. Romala and she was penalised by the management vide orders dated 8-10-79, 11-10-84 and 11-12-84 which are neither based on true facts nor the Departmental Enquiry has been done in accordance with law. The said orders of punishments are therefore liable to be quashed and the workman be given compensation for mental, physical and financial harassment.

4. The statement of the Management in brief is that GCF is not an industry. Smt. Romala is not a workman, there is no industrial dispute and this

Court has no jurisdiction to answer this reference. The enquiries were made in accordance with law and she has been rightly punished for her misconduct. The reference is, therefore, liable to be rejected.

5. I have not gone into the details of his case because it can be disposed of on issue No. 1(A) whether Smt. Romala Ramesh is a workman and GCF School is an industry within the meaning of I.D. Act.

6. School as also GCF are industries within the meaning of Sec. 2(j) of the I.D. Act as laid down in the case of Bangalore Water Supply & Sewerage Board Vs. A Rajappa (AIR 1978 SC 969) (See para 172 at page 973) that such industries are industries within the definition of Sec. 2(j) of the I.D. Act. The same view has been taken by the M. P. High Court in M. P. No. 1969/83 Rajendra Naidu Vs. Union of India and two others.

7. In the same way it has been held in the case of Miss A. Sundarambal Vs. Govt. of Goa, Daman and Diu and other—AIR 1988 SC 1700 that School is an industry. It has further been held in the judgement supra that though school is an industry teacher employed in the school is not a workman and therefore dispute relating to a teacher cannot be referred under the I.D. Act.

8. I may refer to para 7 and relevant part of para 9 as also para 10 of the said judgement which are as follows :

Para 8 :

"In order to be a workman, person should be one who satisfies the following conditions : (i) he should be a person employed in an industry for hire or reward; (ii) he should be engaged in skilled or unskilled manual, supervisory, technical or clerical work; and (iii) he should not be a person falling under any of 4 clauses i.e. (i) to (iv) mentioned in the definition of "workman" in Section 2(s) of the Act. The definition also provides that a workman employed in any industry to do any skilled or unskilled manual, supervisory, technical or clerical work for hire or reward includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of an industrial dispute, or whose dismissal, discharge or retrenchment has led to the dispute.

Para 9.

".....The question for consideration before us is whether a teacher in a school falls under any of the 4 categories, namely, a person doing any skilled or unskilled manual work, supervisory work, technical work or clerical work. If he does not satisfy any one of the above descriptions he would not be a workman even though he is an employee of an industry as settled by this Court. In May & Baker (India) Ltd. Vs. their Workmen (1961) 2 LAB LJ 94 (AIR 1967 SC 678). In that case this Court had to consider the question whether a person employed by a pharmaceutical firm as a re-

presentative (for canvassing orders) whose duties consisted mainly canvassing orders and any clerical or manual work that he had to do was only incidental to his main work of canvassing could be considered as a workman as defined in the Act. Dealing with the said question Wanchoo J. (As he then was) observed thus (at pp. 679-80 of AIR);"

"A "workman" was then defined as any person employed in any industry to do any skilled or unskilled manual or clerical work for hire or reward. Therefore, doing manual or clerical work was necessary before a person could be called a workman. This definition came for consideration before Industrial Tribunals and it was consistently held that the designation of the employee was not of great moment and what was of importance was the nature of his duties. If the nature of the duties is manual or clerical, then the person must be held to be a workman. On the other hand if manual or clerical work is only a small part of the duties of the person concerned and incidental to his main work which is not manual or clerical, then such a person would not be a workman....."

Para 10 :

".....We are of the view that the teachers employed by the educational institutions whether the said institutions are imparting primary, secondary, graduate or post-graduate education cannot be called as 'workman' within the meaning of Sec. 2(s) of the Act. Imparting of education which is the main function of teachers cannot be considered as skilled or unskilled manual work or supervisory work on technical work or clerical work. Imparting of education is in the nature of a mission or a noble vocation. A teacher educates children, he moulds their character, builds up their personality and makes them fit to become responsible citizens. Children grow under the care of teachers. The clerical work, if any they may do, is only incidental to their principal work of teaching. We agree with the reasons given by the High Court for taking the view that teachers cannot be treated as 'workman' as defined under the Act. It is not possible to accept the suggestion that having regard to the object of the Act, all employees in an industry except those falling under the four exceptions (i) to (iv) in section 2(s) of the Act should be treated as workmen. The acceptance of this argument will render the words "to do any skilled or unskilled manual, supervisory, technical or clerical work" meaningless. A liberal construction as suggested would have been possible only in the absence of these words. The decision in May & Baker (India) Ltd. Vs. their Workmen (AIR 1967 SC 678) (Supra) precludes us

from taking such a view. We therefore, hold that the High Court was right in holding that the appellant was not a "Workman" though the School was an industry in view of the definition of 'workman' as it now stands."

9. In this view of the matter I hold that the teacher is not a workman and therefore this Court has no jurisdiction to answer this reference.

10. No award, therefore, can be given by this Court/Tribunal.

No order as to costs.

V. N. SHUKLA, Presiding Officer
[No. L-13012/6/85-D.II(B) pf.]
HARI SINGH, Desk Officer

नई दिल्ली, 28 फरवरी, 1990

का. आ. 709:—लौह अयस्क खान, मैंगनीज अयस्क खान और कोम अयस्क खान धर्म वर्तमान नियम नियम, 1978 के नियम 3 के उपनियम (2) के बाबत दिल्ली लौह अयस्क खान, मैंगनीज अयस्क खान और कोम अयस्क खान श्रम कल्याण निधि अधिनियम, 1976 (1976 का 61) की धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार दिनांक 24 जुलाई, 1982 के भारत के राजसभा, भाग-II खंड 3, उपखंड (ii) के पृष्ठ 2767 पर प्रकाशित

भारत सरकार, अमेरिका, दी. न्यूरो 7 जुलाई, 1982 की अधिसूचना नं. नं. 2634 पर विनियिक तरीकत करती है;

उक्त अधिसूचना नं. क्रम. नं. 3 पर उस संबंधित प्रविधि के स्थान पर विनियिक प्रांतिकीय किया जायगा अर्थात्:—

"3. अधिकारी धर्म आयुक्त (केन्द्रीय) . . . राज्य (भारत) हैदराबाद।

[सं. यू-19012/1/85-डब्ल्यू-II (सी)]

वी. डी. नागर, प्रबंध अधिकारी

S.O. 709.—In exercise of the powers conferred by section 5 of the Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976 (61 of 1976), read with sub-rule (2) of rule 3 of Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Rules, 1978, the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Labour No. S. O. 2634, dated the 7th July, 1982 published at page 2767 of the Gazette of India, Part II, Section 3, Sub-section (ii), dated the 24th July, 1982 ;

In the said notification, for serial number and the entry relating thereto, the following shall be substituted, namely:—

"3. The Regional Labour Commissioner (Central), . . . Member (Ex-officio)"

[No. U-19012/1/85-W. II (C)]
V. D. NAGAR, Under Secy.

